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Matt Blunt
Secretary of State

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IN THIS ISSUE:

FROM THIS ANGLE613

EMERGENCY RULES

Department of Mental Health

Director, Department of Mental Health615

PROPOSED RULES

Department of Mental Health

Director, Department of Mental Health618

Certification Standards620

Division of Mental Retardation and

Developmental Disabilities622

Department of Natural Resources

Air Conservation Commission622

Land Reclamation Commission626

ORDERS OF RULEMAKING

Department of Conservation

Conservation Commission631

Department of Economic Development

Office of Athletics631

Division of Credit Unions637

Department of Natural Resources

Air Conservation Commission638

Clean Water Commission644

Department of Public Safety

Missouri Gaming Commission649

Department of Social Services

Division of Medical Services651

IN ADDITIONS

Department of Economic Development

Division of Credit Unions652

Department of Natural Resources

Air Conservation Commission652

Clean Water Commission652

DISSOLUTIONS653

BID OPENINGS

Office of Administration

Division of Purchasing654

RULE CHANGES SINCE UPDATE655

EMERGENCY RULES IN EFFECT664

REGISTER INDEX666

Register Filing Deadlines	Register Publication	Code Publication	Code Effective
February 1, 2002 February 15, 2002	March 1, 2002 March 15, 2002	March 31, 2002 March 31, 2002	April 30, 2002 April 30, 2002
March 1, 2002 March 15, 2002	April 1, 2002 April 15, 2002	April 30, 2002 April 30, 2002	May 30, 2002 May 30, 2002
April 1, 2002 April 15, 2002	May 1, 2002 May 15, 2002	May 31, 2002 May 31, 2002	June 30, 2002 June 30, 2002
May 1, 2002 May 15, 2002	June 3, 2002 June 17, 2002	June 30, 2002 June 30, 2002	July 30, 2002 July 30, 2002
June 3, 2002 June 17, 2002	July 1, 2002 July 15, 2002	July 31, 2002 July 31, 2002	August 30, 2002 August 30, 2002
July 1, 2002 July 15, 2002	August 1, 2002 August 15, 2002	August 31, 2002 August 31, 2002	September 30, 2002 September 30, 2002
August 1, 2002 August 15, 2002	September 3, 2002 September 16, 2002	September 30, 2002 September 30, 2002	October 30, 2002 October 30, 2002
August 30, 2002 September 16, 2002	October 1, 2002 October 15, 2002	October 31, 2002 October 31, 2002	November 30, 2002 November 30, 2002

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the web site at <http://www.sos.state.mo.us/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.



FROM THIS ANGLE....

New Website!

Good news!! You will want to change your bookmarks in your favorites section to reflect our new website address. The website for the Secretary of State's Office has been redesigned and represents countless hours of work by many members of our organization. We are very excited about our new site and believe you will be too. The new address is: <http://www.sos.state.mo.us>. On the home page under the blue box labeled "Popular" you will find *Code of State Regulations* and *Missouri Register*. That link will take you to Administrative Rules' home page where you will find other added features.

Rulemaking Manual Now Online!

"*Rulemaking 1-2-3, Missouri Style*", which is essentially a "how-to" manual for the rulemaking process, is now available on our new website. We believe this will be especially useful to those agencies that did not receive sufficient copies of the manual when we presented the same.

Downloadable, Fillable Forms

In an effort to provide better customer service to you, our customers, you will also now find downloadable, fillable forms to assist you in preparing your rulemaking packet. We feel this is a service we can provide you to assist in preparing all of the requisite paperwork required for properly filing your rulemakings.

Survey coming....

In the upcoming months we will be sending out a survey to receive your input on how we may better serve you, what we can do to assist you in making the rulemaking process as "painless" as possible, and what constructive suggestions you may have concerning our process, etc. Please

take the time to complete the survey and return the same to our office. This is a very important product for us to be aware of your concerns, problems, complaints — or even compliments!

As always, if there is a specific question or problem that you would like to discuss with our staff, please feel free to call.

A handwritten signature in black ink, appearing to read "Lynne".

Lynne C. Angle

Director, Administrative Rules

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 10—Director, Department of Mental Health Chapter 5—General Program Procedures

EMERGENCY AMENDMENT

9 CSR 10-5.200 Report of Complaints of Abuse [and], Neglect and Misuse of Funds/Property. The department is amending the title, the purpose and sections (1)–(3) and (6)–(12) of this rule.

PURPOSE: This amendment adds provisions for the misuse of funds/property; revises the definitions of class II neglect, physical abuse, sexual abuse, verbal abuse; replaces the phrase “client or resident” with the word “consumer”; adds definition of the word consumer; changes the reporting requirements to law enforcement; changes all meeting and appeal dates to be consistent from calendar to working days; changes the title of hearing officer to hearings administrator; changes the reference of the Division of Aging to the Division of Senior Services; changes the offer of meeting and appeal letters to be sent to the alleged perpetrator and copying provider, instead of sending separate letters to each; clarifies the disqualification regarding verbal abuse and class II neglect; clarifies due process for a charge; adds the reference of the statutory authority for the Disqualification Registry.

PURPOSE: This rule prescribes procedures for reporting and investigating complaints of abuse [and], neglect and misuse of

funds/property in a residential facility, day program or specialized service that is licensed, certified or funded by the [department] Department of Mental Health (department) as required by sections 630.135, 630.168, 630.655 and 630.710, RSMo. The rule also sets forth due process procedures for persons who have been accused of abuse, neglect and misuse of [client] funds/property.

*EMERGENCY STATEMENT: This emergency amendment is necessary to avoid treating department employees in a way that is unfairly different than the treatment afforded to non-department employees, i.e. employees of agencies licensed or certified by the department. This administrative rule regulates the treatment of employees of agencies licensed or certified by the department who are accused of abuse and neglect. The provisions of this rule, as it currently exists, differ from the provisions of the parallel department operating regulations that address the treatment of those department employees who are charged with abuse and neglect. Such a discrepancy will result in department employees being treated differently than non-department employees and creates the potential for grievance procedures, hearings and/or judicial proceedings. As a result, the Department of Mental Health finds that an emergency amendment is necessary to preserve a compelling governmental interest. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Department of Mental Health believes this emergency amendment is fair to all interested parties under the circumstances. This emergency amendment was filed March 29, 2002, effective May 2, 2002 and expires January 1, 2003.*

(1) The following words and terms, as used in this rule, mean:

(A) Class I neglect, failure of an employee to provide reasonable and necessary services to maintain the physical and mental health of any [client or resident] **consumer** when that failure presents either imminent danger to the health, safety or welfare of a [client or resident] **consumer**, or a substantial probability that death or physical injury would result;

(B) Class II neglect, failure of an employee to provide reasonable or necessary services to a [client or resident] **consumer** according to the individualized treatment or habilitation plan, if feasible, or according to acceptable standards of care. **This includes action or behavior which may cause psychological harm to a consumer due to intimidating, causing fear or otherwise creating undue anxiety;**

(C) **Consumer, individual (client, resident, patient) receiving services from any program or facility contracted, licensed, certified or funded by the department;**

[(C)] (D) Misuse of [client] funds/property, the misappropriation or conversion of a [client's or resident's] **consumer's** funds or property for another person's benefit;

[(D)] (E) Physical abuse—

1. Purposefully beating, striking, wounding or injuring any [client or resident] **consumer**; or

2. In any manner whatsoever mistreating or maltreating a [client or resident] **consumer** in a brutal or inhumane manner. Physical abuse includes handling a [client or resident] **consumer** with any more force than is reasonable [or apparently necessary] for a [client's or resident's] **consumer's** proper control, treatment or management;

[(E)] (F) Sexual abuse, any touching, directly or through clothing, of [the genitals, buttocks or breasts of a client or resident] a **consumer** for sexual purpose or in a sexual manner. [Sexual purpose means for the arousing or gratifying of

anyone's sexual desires. This definition includes—] **This includes but is not limited to:**

1. Kissing;

2. Touching of the genitals, buttocks or breasts;

[1.] **3. Causing a [resident or client] consumer to touch the employee for sexual purposes;**

[2.] **4. Promoting or observing for sexual purpose any activity or performance involving [clients or residents] consumers including any play, motion picture, photography, dance, or other visual or written representation; or**

[3.] **5. Failing to intervene or attempt to stop or prevent inappropriate sexual activity or performance between [clients or residents] consumers; and**

[(F)] **(G) Verbal abuse, [referring to a client or resident in the client's or resident's presence with] using profanity or speaking in a demeaning, nontherapeutic, undignified, threatening or derogatory manner in a consumer's presence.**

(2) This section applies to any employee[, resident or client] or consumer of any residential facility, day program or specialized service, as defined under section 630.005, RSMo. Facilities, programs and services that are operated by the [Department of Mental Health] department are regulated by the department's operating regulations and are not included in this definition.

(A) Any such employee who has reasonable cause to believe that a [resident or client] consumer has been subjected to physical abuse, sexual abuse, **misuse of funds/property**, [C/class I neglect, C/class II neglect or verbal abuse while under the care of a residential facility, day program or specialized service that is licensed, certified or funded by the department shall immediately make a verbal or written complaint.

(C) The head of the facility, day program or specialized service shall forward the complaint to—

1. The Division of Family Services if the alleged victim is under the age of eighteen (18); or

2. The Division of [Aging] Senior Services if the alleged victim is a resident or client of a facility licensed by the Division of [Aging] Senior Services or receiving services from an entity under contract with the Division of [Aging] Senior Services.

(3) The head of the facility, day program or specialized service that is licensed, certified or funded by the department shall immediately report to the local law enforcement official any alleged or suspected—

(A) Sexual abuse; or

(B) **[Abuse or neglect which results in physical injury.] Abuse, neglect or misuse of funds/property which may result in a criminal charge.**

(6) Within ten (10) [calendar] working days of receiving the final report from the board of inquiry, local investigator or central investigative unit, the head of the supervising facility or department designee shall send to the [provider and] alleged perpetrator a summary of the allegations and findings which are the basis for the alleged abuse/neglect/**misuse of funds or property; the provider will be copied.** The summary shall comply with the constraints regarding confidentiality contained in section 630.167, RSMo and shall be sent by **regular and certified mail.**

(A) The [provider and/or] alleged perpetrator may meet with the head of the supervising facility or department designee, submit comments or present evidence; **the provider may be present and present comments or evidence in support of the alleged perpetrator.** If the [provider or] alleged perpetrator wishes to have this meeting, s/he must notify the head of the supervising facility or department designee within ten (10) [calendar] working days of receiving the summary.

(B) This meeting shall take place within ten (10) [calendar] working days of notification, unless the parties mutually agree upon an extension.

(C) Within ten (10) [calendar] working days of the meeting, or if no request for a meeting is received within ten (10) working days of the alleged perpetrator's receipt of the summary, the head of the supervising facility or department designee shall [sustain or deny the allegations] **make a final determination** as to whether abuse/neglect/**misuse of funds or property** took place. The [provider and] perpetrator shall be notified of this decision by **regular and certified mail; the provider will be copied.**

(D) The letter shall advise the [provider and] perpetrator that they have ten (10) [calendar] working days **following receipt of the letter** to contact the department's [hearing officer] **hearings administrator** if they wish to appeal a finding of abuse, [or] neglect or misuse of funds/property.

(F) **The department's effort to notify the alleged perpetrator at his/her last known address by regular and certified mail shall serve as proper notice. The alleged perpetrator's refusal to receive certified mail does not limit the department's ability to make a final determination.**

(7) If an appeal is requested, the [hearing officer] **hearings administrator** shall schedule the hearing to take place within thirty (30) [calendar] working days of the request, but may delay the hearing for good cause shown. At the hearing, the head of the supervising facility or designee, or other department designee shall present evidence supporting its findings of abuse, neglect, **misuse of funds/property**, or [both] **all.** The provider or perpetrator may submit comments or present evidence to show why the decision of the head of the supervising facility or department designee should be modified or overruled. The [hearing officer] **hearings administrator** may obtain additional information from department employees as s/he deems necessary.

(8) The decision of the [hearing officer] **hearings administrator** shall be the final decision of the department. The [hearing officer] **hearings administrator** shall notify the [provider,] perpetrator, and the head of the supervising facility or department designee by certified mail of the decision within fourteen (14) [calendar] working days of the appeal hearing; **the provider will be copied.**

(9) The opportunities described in sections (6), (7) and (8) of this rule regarding a meeting with the head of the supervising facility and an appeal before the department's [hearing officer] **hearings administrator** apply also to providers and alleged perpetrators in an investigation of misuse of [client] funds/property.

(10) **An [provider or] alleged perpetrator does not forfeit his/her right to an appeal with the department's [hearing officer] hearings administrator when s/he declines to meet with the head of the supervising facility under subsections (6)(A) and (B) of this rule.**

(11) If the department substantiates that a person has perpetrated physical abuse, sexual abuse, [C/class I neglect, or [conversion of client's property and/or funds for his/her own use or the facility's use] **misuse of funds/property**, the perpetrator shall not be **employed by the department, nor be licensed, employed [n]or provide services by contract or agreement at a residential facility, day program or specialized service that is licensed, certified or funded by the department. The perpetrator's name shall be placed on the department Disqualification Registry pursuant to section 630.170, RSMo.**

(12) If the department substantiates that a person has perpetrated [verbal abuse or Class II neglect two (2) or more times in]

two (2) counts of verbal abuse, or two (2) counts of class II neglect, or one (1) count of verbal abuse and one (1) count of class II neglect, within a twelve (12)-month period, the perpetrator shall not be **employed by the department, nor be** licensed, employed[,] or provide services by contract or agreement at a residential facility, day program or specialized service that is licensed, certified or funded by the department. **The perpetrator's name shall be placed on the department Disqualification Registry pursuant to section 630.170, RSMo.**

*AUTHORITY: sections 630.050, 630.165, 630.167, 630.168 [and RSMo Supp. 1997 and] 630.135, 630.655 and 630.705, RSMo [1994] 2000 and 630.170, RSMo Supp. 2001. Original rule filed Oct. 29, 1998, effective May 30, 1999. Emergency amendment filed March 29, 2002, effective May 2, 2002, expires Jan. 1, 2003. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbol under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 5—General Program Procedures**

PROPOSED AMENDMENT

9 CSR 10-5.200 Report of Complaints of Abuse, [and] Neglect and Misuse of Funds/Property. The department proposes to revise the title of the rule and to amend the purpose and sections (1)–(3) and (6)–(12) of this rule.

PURPOSE: This amendment adds provisions for the misuse of funds/property; revises the definitions of class II neglect, physical abuse, sexual abuse, verbal abuse; replaces the phrase "client or resident" with the word "consumer"; adds definition of the word consumer; changes the reporting requirements to law enforcement;

changes all meeting and appeal dates to be consistent from calendar to working days; changes the title of hearing officer to hearings administrator; changes the reference of the Division of Aging to the Division of Senior Services; changes the offer of meeting and appeal letters to be sent to the alleged perpetrator and copying provider, instead of sending separate letters to each; clarifies the disqualification regarding verbal abuse and class II neglect; clarifies due process for a charge; adds the reference of the statutory authority for the Disqualification Registry.

PURPOSE: This rule prescribes procedures for reporting and investigating complaints of abuse [and], neglect and misuse of funds/property in a residential facility, day program or specialized service that is licensed, certified or funded by the [department] Department of Mental Health (department) as required by sections 630.135, 630.168, 630.655 and 630.710, RSMo. The rule also sets forth due process procedures for persons who have been accused of abuse, neglect and misuse of [client] funds/property.

(1) The following words and terms, as used in this rule, mean:

(A) Class I neglect, failure of an employee to provide reasonable and necessary services to maintain the physical and mental health of any [client or resident] **consumer** when that failure presents either imminent danger to the health, safety or welfare of a [client or resident] **consumer**, or a substantial probability that death or physical injury would result;

(B) Class II neglect, failure of an employee to provide reasonable or necessary services to a [client or resident] **consumer** according to the individualized treatment or habilitation plan, if feasible, or according to acceptable standards of care. **This includes action or behavior which may cause psychological harm to a consumer due to intimidating, causing fear or otherwise creating undue anxiety;**

(C) **Consumer, individual (client, resident, patient) receiving services from any program or facility contracted, licensed, certified or funded by the department;**

[(C)] (D) Misuse of [client] funds/property, the misappropriation or conversion of a [client's or resident's] **consumer's** funds or property for another person's benefit;

[(D)] (E) Physical abuse—

1. Purposefully beating, striking, wounding or injuring any [client or resident] **consumer**; or

2. In any manner whatsoever mistreating or maltreating a [client or resident] **consumer** in a brutal or inhumane manner. Physical abuse includes handling a [client or resident] **consumer** with any more force than is reasonable [or apparently necessary] for a [client's or resident's] **consumer's** proper control, treatment or management;

[(E)] (F) Sexual abuse, any touching, directly or through clothing, of [the genitals, buttocks or breasts of a client or resident] a **consumer** for sexual purpose or in a sexual manner. [Sexual purpose means for the arousing or gratifying of anyone's sexual desires. This definition includes—] **This includes but is not limited to:**

1. **Kissing;**

2. **Touching of the genitals, buttocks or breasts;**

[1.] 3. Causing a [resident or client] **consumer** to touch the employee for sexual purposes;

[2.] 4. Promoting or observing for sexual purpose any activity or performance involving [clients or residents] **consumers** including any play, motion picture, photography, dance, or other visual or written representation; or

[3.] 5. Failing to **intervene or attempt to stop** or prevent inappropriate sexual activity or performance between [clients or residents] **consumers**; and

[(F)] (G) Verbal abuse, [referring to a client or resident in the client's or resident's presence with] **using** profanity or

speaking in a demeaning, nontherapeutic, undignified, threatening or derogatory manner **in a consumer's presence.**

(2) This section applies to any employee[, *resident or client*] **or consumer** of any residential facility, day program or specialized service, as defined under section 630.005, RSMo. Facilities, programs and services that are operated by the [*Department of Mental Health*] **department** are regulated by the department's operating regulations and are not included in this definition.

(A) Any such employee who has reasonable cause to believe that a [*resident or client*] **consumer** has been subjected to physical abuse, sexual abuse, **misuse of funds/property**, [C/class I neglect, [C] class II neglect or verbal abuse while under the care of a residential facility, day program or specialized service that is licensed, certified or funded by the department shall immediately make a verbal or written complaint.

(C) The head of the facility, day program or specialized service shall forward the complaint to—

1. The Division of Family Services if the alleged victim is under the age of eighteen (18); or

2. The Division of [*Aging*] **Senior Services** if the alleged victim is a resident or client of a facility licensed by the Division of [*Aging*] **Senior Services** or receiving services from an entity under contract with the Division of [*Aging*] **Senior Services.**

(3) The head of the facility, day program or specialized service that is licensed, certified or funded by the department shall immediately report to the local law enforcement official any alleged or suspected—

(A) Sexual abuse; or

(B) [*Abuse or neglect which results in physical injury.*] **Abuse, neglect or misuse of funds/property which may result in a criminal charge.**

(6) Within ten (10) [*calendar*] **working** days of receiving the final report from the board of inquiry, local investigator or central investigative unit, the head of the supervising facility or department designee shall send to the [*provider and*] alleged perpetrator a summary of the allegations and findings which are the basis for the alleged abuse/neglect/**misuse of funds or property; the provider will be copied.** The summary shall comply with the constraints regarding confidentiality contained in section 630.167, RSMo and shall be sent by **regular and certified mail.**

(A) The [*provider and/or*] alleged perpetrator may meet with the head of the supervising facility or department designee, submit comments or present evidence; **the provider may be present and present comments or evidence in support of the alleged perpetrator.** If the [*provider or*] alleged perpetrator wishes to have this meeting, s/he must notify the head of the supervising facility or department designee within ten (10) [*calendar*] **working** days of receiving the summary.

(B) This meeting shall take place within ten (10) [*calendar*] **working** days of notification, unless the parties mutually agree upon an extension.

(C) Within ten (10) [*calendar*] **working** days of the meeting, **or if no request for a meeting is received within ten (10) working days of the alleged perpetrator's receipt of the summary,** the head of the supervising facility or department designee shall [*sustain or deny the allegations*] **make a final determination** as to whether abuse/neglect/**misuse of funds or property** took place. The [*provider and*] perpetrator shall be notified of this decision by **regular and certified mail; the provider will be copied.**

(D) The letter shall advise the [*provider and*] perpetrator that they have ten (10) [*calendar*] **working** days **following receipt of the letter** to contact the department's [*hearing officer*] **hearings administrator** if they wish to appeal a finding of abuse, [*or*] neglect **or misuse of funds/property.**

(F) **The department's effort to notify the alleged perpetrator at his/her last known address by regular and certified mail**

shall serve as proper notice. The alleged perpetrator's refusal to receive certified mail does not limit the department's ability to make a final determination.

(7) If an appeal is requested, the [*hearing officer*] **hearings administrator** shall schedule the hearing to take place within thirty (30) [*calendar*] **working** days of the request, but may delay the hearing for good cause shown. At the hearing, the head of the supervising facility or designee, or other department designee shall present evidence supporting its findings of abuse, neglect, **misuse of funds/property**, or [*both*] **all.** The provider or perpetrator may submit comments or present evidence to show why the decision of the head of the supervising facility or department designee should be modified or overruled. The [*hearing officer*] **hearings administrator** may obtain additional information from department employees as s/he deems necessary.

(8) The decision of the [*hearing officer*] **hearings administrator** shall be the final decision of the department. The [*hearing officer*] **hearings administrator** shall notify the [*provider,*] perpetrator, and the head of the supervising facility or department designee by certified mail of the decision within fourteen (14) [*calendar*] **working** days of the appeal hearing; **the provider will be copied.**

(9) The opportunities described in sections (6), (7) and (8) of this rule regarding a meeting with the head of the supervising facility and an appeal before the department's [*hearing officer*] **hearings administrator** apply also to providers and alleged perpetrators in an investigation of misuse of [*client*] funds/property.

(10) **An** [*provider or*] alleged perpetrator does not forfeit his/her right to an appeal with the department's [*hearing officer*] **hearings administrator** when s/he declines to meet with the head of the supervising facility under subsections (6)(A) and (B) of this rule.

(11) If the department substantiates that a person has perpetrated physical abuse, sexual abuse, [C/class I neglect, or [*conversion of client's property and/or funds for his/her own use or the facility's use*] **misuse of funds/property**, the perpetrator shall not be **employed by the department, nor be** licensed, employed [*or*] provide services by contract or agreement at a residential facility, day program or specialized service that is licensed, certified or funded by the department. **The perpetrator's name shall be placed on the department Disqualification Registry pursuant to section 630.170, RSMo.**

(12) If the department substantiates that a person has perpetrated [*verbal abuse or Class II neglect two (2) or more times in*] **two (2) counts of verbal abuse, or two (2) counts of class II neglect, or one (1) count of verbal abuse and one (1) count of class II neglect, within a twelve (12)-month period,** the perpetrator shall not be **employed by the department, nor be** licensed, employed[, or] provide services by contract or agreement at a residential facility, day program or specialized service that is licensed, certified or funded by the department. **The perpetrator's name shall be placed on the department Disqualification Registry pursuant to section 630.170, RSMo.**

AUTHORITY: sections 630.050, 630.165, 630.167, 630.168 [and RSMo Supp. 1997 and] 630.135, 630.655 and 630.705, RSMo [1994] 2000 and 630.170, RSMo Supp. 2001. Original rule filed Oct. 29, 1998, effective May 30, 1999. Emergency amendment filed March 29, 2002, effective May 2, 2003, expires Jan. 1, 2002. Amended: Filed March 29, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Scott Giovanetti, Investigations Program Director, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

PROPOSED AMENDMENT

9 CSR 30-3.032 Certification of Alcohol and Drug Abuse Programs. The department proposes to amend subsections (1)(A), (1)(B), (3)(B), (4)(C), remove paragraph (3)(B)1. and renumber paragraphs (3)(B)2., (3)(B)3. and (3)(B)4. accordingly.

PURPOSE: This amendment will remove from the rule the terms "recovery maintenance and methadone treatment" as they are no longer used. It also clarifies the intent of (1)(B), which was to insure that all specialized programs for adolescents and women and children are certified as a CSTAR program, and removes paragraph (3)(B)1., because the rule referenced has been rescinded.

(1) Types of Programs. Certification is available for the following types of alcohol and drug abuse programs and services:

(A) Recovery programs including—

1. Detoxification in accordance with a designated level of care. Levels of care include social setting, modified medical, or medical;

2. Outpatient treatment in accordance with designated levels of care. Levels of care include community-based primary treatment, intensive outpatient rehabilitation, **and** supported recovery [and recovery maintenance];

3. [Methadone treatment] **Opioid treatment**;

4. Compulsive gambling treatment;

5. Residential treatment;

6. Institutional corrections; and

7. Comprehensive substance treatment and rehabilitation (CSTAR);

(B) Recovery Programs for Specialized Populations. [Where applicable, a recovery program shall be further designated and certified as a specialized program for the treatment and rehabilitation of—] **A specialized program for the treatment and rehabilitation of adolescents or women and children must be certified as a CSTAR program.**

[1. Adolescents; or

2. Women and children;]

(3) Other Rules and Standards. In addition to standards for specific programs and services, the organization must comply with other applicable requirements.

(B) The following Certification Standards for Alcohol and Drug Abuse Programs must be met, unless otherwise stipulated in standards for specific programs and services:

[1. 9 CSR 30-3.012 Definitions;]

[2.] **1.** 9 CSR 30-3.022 Transition to Enhanced Standards of Care;

[3.] **2.** 9 CSR 30-3.100 Service Delivery Process and Documentation; and

[4.] **3.** 9 CSR 30-3.110 Service Definitions and Staff Qualifications for Service Delivery.

(4) Approval of Programs and Sites by the Department, When Required. For those services funded by the department or provided through a service network authorized by the department, the department shall have authority to determine and approve each proposed program and/or site prior to the actual delivery of services, including the geographic location, plan of service delivery, and facility.

(C) All [methadone] **opioid** treatment programs shall meet the program and/or site approval requirements of this rule, as well as the requirements specified under 9 CSR 30-3.132.

*AUTHORITY: sections 302.540, **RSMo Supp. 2001**, 630.050, 630.655 and 631.102, **RSMo 2000**. Original rule filed Feb. 28, 2001, effective Oct. 30, 2001. Amended: Filed March 8, 2002.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Dewey Price, Mental Health Manager, Division of Alcohol and Drug Abuse, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

PROPOSED AMENDMENT

9 CSR 30-3.132 Opioid Treatment Program. The department proposes to amend subsections (8)(B)–(F), (12)(D) and add sections (15) and (16).

PURPOSE: This amendment makes the language in the rule consistent with federal guidelines on Opioid Treatment Programs.

(8) Phases of Treatment. The program shall utilize six (6) structured phases of treatment and rehabilitation to indicate client progress and to establish requirements regarding client attendance and service participation. The requirements listed below for each phase are minimum requirements and the frequency and extent of treatment and rehabilitation services shall be adjusted, based on individual client needs.

(B) Phase II is designated for clients who have been admitted more than [three (3) months] **ninety (90) days**, but less than [one (1) year] **two hundred seventy (270) days** and who have successfully met Phase I criteria.

1. During the **first ninety (90) days** of Phase II, the program may issue no more than two (2) take-home doses of methadone at a time [and no more than a total of four (4) take-home doses in a week].

2. The client shall participate in at least two (2) hours of counseling per month during the first three (3) months of Phase II, with at least one (1) of the hours being individual counseling.

3. [The] **During the second ninety (90) days of phase II**, the client shall participate in at least one (1) hour of individual counseling per month, [during the remainder of Phase II, or until the client achieves three (3)-day take-home medication status, whichever is longer] **and the program may issue no more than three (3) take-home doses of methadone plus closed and holiday days.**

4. The treatment plan shall be reviewed and updated at least every three (3) months during Phase II.

(C) Phase III is designated for clients who have been admitted *[more than one (1) year, but less than two (2) years]* **more than nine (9) months but less than one (1) year** and who have successfully met progressive Phase II criteria.

1. During Phase III, the program may issue no more than *[three (3) take-home doses at a time and no more than a total of five (5) take-home doses in a week]* **six (6) take-home doses of methadone plus closed and holiday days.**

2. The client shall participate in at least one (1) hour of individual counseling per month during Phase III *[or until the client achieves six (6)-day take-home medication status, whichever is longer]*.

3. The treatment plan shall be reviewed and updated at least every six (6) months during Phase III, or more frequently if circumstances warrant.

(D) Phase IV is designated for clients who have been admitted more than *[two (2) years]* **one (1) year but less than two (2) years** and who have successfully met progressive Phase III criteria.

1. During Phase IV, the program may issue *[six (6)-day]* **two (2) week take-home doses [at a time] plus closed and holiday days.**

2. The client shall participate in at least one (1) hour of individual counseling per month during this phase.

3. The treatment plan shall be reviewed and updated at least every six (6) months during this phase.

(E) *[Phase V is designated for clients who voluntarily seek medically supervised withdrawal and abstinence from all drugs, including methadone as prescribed. A client may enter this phase at any time in the treatment and rehabilitation process.]* **Phase V is designated for clients who have been admitted for more than two (2) years.**

1. During Phase V, the program may issue *[thirteen (13)-day take-home doses at a time.]* **one (1) month maximum take-home doses.**

2. *[The counselor determines the frequency of counseling sessions with input from the client. At the onset of Phase V, the client may require an increased level of counseling and other support services.]* **The client shall participate in at least one (1) hour of individual counseling per month during this phase.**

3. The treatment plan shall be reviewed and updated at least every six (6) months during this phase.

(F) *[Phase VI is designated for clients who have been admitted more than three (3) years and who have successfully met progressive Phase V criteria.]* **Phase VI is designated for clients who voluntarily seek medically supervised withdrawal and abstinence from all drugs, including methadone as prescribed. A client may enter this phase at any time in the treatment and rehabilitation process.**

1. During Phase VI, *[the program may issue twenty-seven (27)-day take-home doses at a time.]* **the medical director determines take-home doses based on stability.**

2. *[The client shall participate in at least one (1) hour of counseling per month during this phase.]* **During Phase VI, the counselor determines the frequency of counseling sessions with input from the client. At the onset of Phase V, the client may require an increased level of counseling and other support services.**

3. *[The treatment plan shall be reviewed and updated at least every six (6) months during this phase.]* **The counselor and patient develop an after care plan prior to the successful completion of treatment.**

(12) Urine Drug Testing. The program shall use urinalysis testing as a performance measure and as a clinical tool for the purpose of diagnosis and treatment planning.

(D) A program with thirty percent (30%) or more of its client population having positive drug test results*[, i.e. dirty urines,]* shall be placed on administrative review and the agency shall develop an action plan to bring its program into compliance with this performance expectation.

(15) Emergency Medication. The medical director may, based on his/her reasonable judgment, grant emergency take-home doses of methadone based on emergency circumstances related to medical, criminal justice, family or employment. The circumstances and basis for the action must be documented in the client record and should address the concerns outlined in section (13). Take-home doses for in-state emergencies is limited to a maximum of three (3) doses and out-of-state is limited to a maximum of five (5) doses. Additional take-home doses must be authorized through the exception request process.

(16) Vacation Medication. The program medical director may, based on his/her reasonable judgment grant vacation take-home doses of methadone for up to two (2) weeks per calendar year. The circumstances and basis for the action must be documented in the client record and should address the concerns outlined in section (13). Additional take-home medication must be authorized through the exception request process.

AUTHORITY: sections 630.655 and 631.102, RSMo 2000. This rule originally filed as 9 CSR 30-3.610. Original rule filed May 13, 1983, effective Sept. 13, 1983. Rescinded and readopted: Filed May 3, 1994, effective Nov. 30, 1994. Amended: Filed July 29, 1997, effective Jan. 30, 1998. Moved to 9 CSR 30-3.132 and amended: Filed Feb. 28, 2001, effective Oct. 30, 2001. Amended: Filed March 8, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Dewey Price, Mental Health Manager, Division of Alcohol and Drug Abuse, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 30—Certification Standards Chapter 3—Alcohol and Drug Abuse Programs

PROPOSED AMENDMENT

9 CSR 30-3.206 SATOP Program Structure. The department proposes to amend subsection (5)(F).

PURPOSE: This amendment makes the rule less restrictive and increases the number of disciplines qualified to provide the mental health evaluation.

(5) Referral Guidelines. The program must base the assessment screening recommendation for each person on the following referral guidelines:

(F) Persons with a serious mental illness should have their mental health treatment needs addressed before completing any SATOP recommendation. A mental health evaluation should be arranged for those clients identified with serious emotional or mental health problems during the SATOP assessment screening process. In order to promptly arrange the mental health evaluation, a SATOP

conducting assessment screenings must maintain a formal affiliation agreement with either a [certified community mental health center, state mental health facility, licensed psychiatrist, licensed psychologist, or licensed clinical social worker] **certified or accredited mental health program or a licensed mental health practitioner.** The client may resume SATOP participation upon stabilization of the problem as determined by the client's mental health provider.

AUTHORITY: sections 302.540, *RSMo Supp. 2001*, 577.001, 577.049, 577.520, 577.525, 630.050, [and] 630.053, 630.655 and 631.010, *RSMo 2000*. This rule originally filed as 9 CSR 30-3.760. Original rule filed Nov. 2, 1987, effective May 15, 1988. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 8, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Dewey Price, Mental Health Manager, Division of Alcohol and Drug Abuse, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH

Division 45—Division of Mental Retardation and Developmental Disabilities

Chapter 3—Care and Habilitation

PROPOSED RESCISSION

9 CSR 45-3.050 Admission and Treatment of Clients with Aggressive Behaviors. This rule defined terms and established procedures for admission and treatment of clients with aggressive behaviors in facilities operated by the Division of Mental Retardation and Developmental Disabilities.

PURPOSE: This rule is being rescinded as it applies only to state operated facilities and will be replaced by a department operating regulation.

AUTHORITY: section 630.050, *RSMo 1994*. This rule was previously filed as 9 CSR 50-1.060. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 25, 1995, effective Dec. 30, 1995. Rescinded: Filed March 11, 2002.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Kate McClain, Quality Enhancement Coordinator, Department of Mental Health, Division of Mental Health, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 10—Air Conservation Commission

Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.130 Controlling Emissions During Episodes of High Air Pollution Potential. The commission proposes to amend section (1), add new section (2); renumber original section (2) to new section (3) and amend it to include original sections (2), (3), (4), (5), (6), (7), (8) and (9), and add new sections (4) and (5). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan.

PURPOSE: This amendment will update the obsolete Pollution Standards Index (PSI) to the new Air Quality Index (AQI). The evidence supporting the need for this proposed rulemaking, per section 536.016, *RSMo*, is section 319 of the Clean Air Act, subsection 58.50 Index Reporting of 40 CFR Part 58 Ambient Air Quality Surveillance and Appendix G to Part 58 Uniform Air Quality Index (AQI) and Daily Reporting. This evidence is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

(1) [General Provisions] Applicability.

(A) This rule shall apply to all emissions from any source or from any premises.

(B) The boundaries of the affected area shall be determined at the discretion of the director in accordance with the nature and magnitude of the pollutant concentrations and meteorological conditions that cause the alert.

(2) Definitions.

(A) **Air pollution alert**—The level of an air pollution episode known as an air pollution alert is that condition when the concentration of air contaminants reach the level at which the first stage control actions are to begin.

(B) **Air Stagnation Advisory**—A special bulletin issued by the National Weather Service entitled "Air Stagnation Advisory," which is used to warn air pollution control agencies that stagnant atmospheric conditions are expected which could cause increased concentrations of air contaminants near the ground.

(C) **Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.**

(3) General Provisions.

[(2)] (A) **Air Pollution Alerts.**

[(A)] **1.** Alert levels are stated in terms of the [Pollution Standards Index (PSI)] **Air Quality Index (AQI)** as defined in the [Code of Federal Regulations (] 40 CFR[)] part 58, Appendix G, for sulfur dioxide (SO₂), carbon monoxide (CO), ozone (O₃), nitrogen dioxide (NO₂) and Particulate Matter—10 Micron (PM₁₀) and 2.5 Micron (PM_{2.5}). Table A shows the relation of the [PSI] **AQI breakpoint values** to equivalent concentrations of air contaminants. All concentrations [are measured in micrograms per cubic meter (µg/m³) and] are averaged over the time period indicated.

[Table A—Concentration of Air Contaminants

Alert Type	PSI Value	PM ₁₀ 24 hr.	SO ₂ 24 hr.	CO 8 hr.	O ₃ 1 hr.	NO ₂ 1 hr.
Yellow	200	350	800	17,000	400	1130
Red	300	420	1600	34,000	800	2260
Emergency	400	500	2100	46,000	1000	3000

Table A									
BREAKPOINT FOR THE AQI									
AQI	Alert Category	Alert Color	Breakpoint Values						
			O ₃ (ppm)	O ₃ (ppm)	PM _{2.5} (µg/m ³)	PM ₁₀ (µg/m ³)	CO (ppm)	SO ₂ (ppm)	NO ₂ (ppm)
			8-hour	1-hour(i)	24-hr	24-hr	8-hr	24-hr	24-hr
0-50	Good	Green	0.000-0.064	-----	0.0-15.4	0-54	0.0-4.4	0.000-0.034	(2)
51-100	Moderate	Yellow	0.065-0.084	-----	15.5-40.4	55-154	4.5-9.4	0.035-0.144	(2)
101-150	Unhealthy for sensitive groups	Orange	0.085-0.104	0.125-0.164	40.5-65.4	155-254	9.5-12.4	0.145-0.224	(2)
151-200	Unhealthy	Red	0.105-0.124	0.165-0.204	65.5-150.4	255-354	12.5-15.4	0.225-0.304	(2)
201-300	Very Unhealthy	Purple	0.125-0.374	0.205-0.404	150.5-250.4	355-424	15.5-30.4	0.305-0.604	0.65-1.24
301-400	Hazardous	Maroon	(3)	0.405-0.504	250.5-350.4	425-504	30.5-40.4	0.605-0.804	1.25-1.64
401-500	Hazardous	Maroon	(3)	0.505-0.604	350.5-500.4	505-604	40.5-50.4	0.805-1.004	1.65-2.04

(1) Areas are generally required to report the AQI based on eight (8)-hour ozone values. However, there are a small number of areas where an AQI based on one (1)-hour ozone values would be more precautionary. In these cases, in addition to calculating the eight (8)-hour ozone index value, the one (1)-hour ozone index value may be calculated, and the maximum of the two (2) values reported.

(2) NO₂ has no short-term National Ambient Air Quality Standard and can generate an AQI value only above two hundred (200).

(3) Eight (8)-hour O₃ values do not define higher AQI values (greater than or equal to three hundred one (301). AQI values of three hundred one (301) or higher are calculated with one (1)-hour O₃ concentrations.

[(B)] 2. Alert types and levels of initiation.

A. Orange alert AQI value. Any one (1) of the contaminants listed in paragraph (3)(A)1. reaching a concentration which results in an AQI value of one hundred one to one hundred fifty (101-150) shall initiate the orange alert.

[1.] B. [Yellow] Red alert [PSI] AQI value. Any one (1) of the contaminants listed in [subsection (2)(A)] paragraph (3)(A)1. reaching a concentration which results in an [PSI] AQI value of [two] one hundred fifty-one [(200)] to two hundred (151-200) shall initiate the [yellow] red alert.

[2.] C. [Red] Purple alert [PSI] AQI value. Any one (1) of the contaminants listed in [subsection (2)(A)] paragraph (3)(A)1. reaching a concentration which results in an [PSI] AQI value of [three] two hundred one [(300)] to three hundred (201-300) shall initiate the [red] purple alert.

[3.] D. Maroon [Emergency] alert [PSI] AQI value. Any one (1) of the contaminants listed in [subsection (2)(A)] paragraph (3)(A)1. reaching a concentration which results in an [PSI] AQI value of [four] three hundred one [(400)] to five hundred (301-500) shall initiate the maroon emergency alert.

[(C)] The testing references for Missouri ambient air quality data are as specified in 10 CSR 10-6.040 Reference Methods.]

[(D)] 3. Declaration of alerts. An [yellow] orange alert, red alert, purple alert or maroon emergency alert may be declared on the basis of deteriorating air quality alone; an [a]Air [s]Stagnation [a]Advisory need not be in effect. The appropriate episode status should be declared by the director as ambient monitoring would indicate.

4. Termination of alerts. When, in the judgment of the director, meteorological conditions and pollutant concentrations warrant discontinuance of any alert condition, the director shall notify the technical staff, the chairman and members of the Missouri Air Conservation Commission that the alert has been discontinued and issue a public notice to that effect.

(B) Orange Alert.

1. Orange alert procedures shall be initiated by the director if the following conditions are met:

A. An Air Stagnation Advisory is in effect;

B. The orange alert AQI value is equaled or exceeded at any one (1) sampling station within the affected area, unless there is a current forecast of meteorological improvement within the next twenty-four (24) hours; and

C. Meteorological conditions are such that the pollutant concentrations can be expected to remain or reoccur at the previously mentioned levels during the next twenty-four (24) or more hours or increase unless control actions are taken.

2. The following are orange alert procedures. The general public shall be informed through the news media that an orange alert exists, the geographical area(s) where the alert is applicable, the emission and type of source(s) that initiated the alert and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions.

[(3)] (C) [Yellow] Red Alert.

[(A)] 1. [Yellow] Red alert procedures shall be initiated by the director if the following conditions are met:

[1.] A. An [a]Air [s]Stagnation [a]Advisory is in effect;

[2.] B. The [yellow] red alert [PSI] AQI value is equal/[ed] or exceeded at any one (1) sampling station within the affected area, unless there is a current forecast of meteorological improvement within the next twenty-four (24) hours; and

[3.] C. Meteorological conditions are [so] such that the pollutant concentrations can be expected to remain or reoccur at the previously mentioned levels during the next twenty-four (24) or more hours or increase unless control actions are taken.

[(B)] 2. The following are [yellow] red alert procedures:

[1.] A. All affected governmental control agencies shall be notified that [yellow] red alert conditions exist and that coordination of action is required;

[2.] B. All hospitals within the affected area shall be notified that [yellow] red alert conditions exist;

[3.] **C.** The frequency of air monitoring shall be increased at all sampling stations which are not continuous at intervals not exceeding one (1) hour, with continual hourly review at a central control location, if this equipment is available and it is deemed necessary by the director;

[4.] **D.** The general public shall be informed through the news media that a *[yellow]* **red** alert exists, the geographical area(s) where the alert is applicable, the emission and type of source(s) that initiated the alert, individual abatement actions which will help alleviate the problem, and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions;

[5.] **E.** The director shall request very emphatically through the news media that all unnecessary use of automobiles be restricted and that all entertainment functions and facilities be closed; **and**

[6.] *Facilities which are sources of air contaminant emissions and are required to file approved alert plans with the director for yellow alert conditions shall initiate the plans upon notification by the director (see section (7); and]*

[7.] **F.** No open burning will be allowed anywhere within the affected area.

[(4)] **(D) [Red] Purple Alert.**

[(A)] **1. [Red] Purple** alert procedures shall be initiated by the director if the following conditions are met:

[1.] **A.** An *[a]Air [s]Stagnation [a]Advisory* is in effect; and

[2.] **B.** The *[red]* **purple** alert *[PSI] AQI* value is equal/*ed* or exceeded at any one (1) monitoring station within the affected area.

[(B)] **2.** The *[red]* **purple** alert also can be initiated if—

[1.] **A.** The *[red]* **purple** alert *[PSI] AQI* value is equal/*ed* or exceeded as the arithmetic mean for twelve (12) consecutive hours and an *[a]Air [s]Stagnation [a]Advisory* is in effect; or

[2.] **B.** The *[yellow]* **red** alert *[PSI] AQI* value is equal/*ed* or exceeded as the arithmetic mean for twenty-four (24) consecutive hours and a forecast of stagnation for the following twelve (12) hours is received.

[(C)] **3.** The following are *[red]* **purple** alert procedures:

[1.] **A.** All affected governmental control agencies shall be notified that *[red]* **purple** alert conditions exist and that coordination of action is required;

[2.] **B.** All hospitals within the affected area shall be notified that *[red]* **purple** alert conditions exist;

[3.] **C.** The frequency of air monitoring shall be increased/*if necessary,* at all sampling stations which are not continuous at intervals not exceeding one (1) hour with continual hourly review at a central control location, **if this equipment is available and it is deemed necessary by the director;**

[4.] **D.** The general public shall be informed through the news media that a *[red]* **purple** alert exists, the geographical area(s) where the alert is applicable, the emission and type of source(s) that initiate the alert, individual abatement actions which will help alleviate the problem and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions;

[5.] **E.** Airlines operating within the *[red]* **purple** alert area shall be notified that those conditions exist and that a reduction of flights out of the airport may be required;

[6.] **F.** Nonlocal vehicular traffic may be diverted around the *[red]* **purple** alert area depending upon which pollutant(s) caused the alert;

[7.] **G.** Local vehicular traffic, through the news media, shall be told to avoid certain areas and emphatically told to restrict nonessential trips;

[8.] **H.** All incineration and open burning shall cease throughout the area; and

[9.] **I.** Facilities which are sources of air contaminant emissions and are required to file approved alert plans with the director for *[red]* **purple** alert conditions shall initiate these plans upon notification by the director (see *[section (8)] paragraph (3)(D)4. and paragraph (3)(D)5.*).

4. Purple alert plan objectives. AQI breakpoints from two hundred one to three hundred (201–300).

A. Air contaminant source. Electric power generating facilities—requirements for plan.

(I) Reduction of emission by utilization of fuels having low ash and sulfur content. Soot blowing and boiler lancing to be allowed only during periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.).

(II) Reduction of emissions by diverting electric power generation to facilities outside of area for which the alert is called.

B. Air contaminant source. Process steam generating facilities—requirements for plan.

(I) Reduction of emissions by utilization of fuels having low ash and sulfur content. Soot blowing and boiler lancing to be allowed only during periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.).

(II) Reduction of steam load demands consistent with continuing the operation of the plant.

C. Air contaminant source. Manufacturing industries of the following Standard Industrial Classification Manual (SIC) group designations: grain industries, group 20; paper and allied products industries, group 26; chemicals and allied products industries, group 28; petroleum refining and related industries, group 29; stone, glass, clay and concrete product industries, group 32; primary metal industries, group 33—requirements for plan.

(I) Curtailing, postponing or deferring production and allied operations. Stopping all trade waste disposal practices which emit particles, gases, vapors or malodorous substances including incineration.

(II) Reducing heat load demands for processing to a minimum.

D. Air contaminant source. Other manufacturing facilities required to submit alert plans by the director—requirements for plan.

(I) Reduction of air contaminant emissions by curtailing or deferring production and allied operations. Stoppage of all trade waste disposal practices which emit particles, gases, vapors or malodorous substances including incineration.

(II) Reduction of heat load demands for processing to a minimum.

E. Air contaminant source. Private, public and commercial refuse disposal operations—requirement for plan.

(I) Stoppage of all open burning including disposal of trees and burning at fire-fighting schools, except as required for disposal of hazardous materials or other emergency needs.

(II) Operation of incinerators shall be limited to the hours between 10:00 a.m. and 2:00 p.m.

F. Air contaminant source. Transportation—requirement for plan. The unnecessary operation of any motor vehicle should be restricted.

[(5)] **(E) [Air Pollution] Maroon Emergency Alert.**

[(A)] **1. Maroon** *[E]* emergency alert procedures shall be initiated by the director, if the following conditions are met:

[1.] **A.** An *[a]Air [s]Stagnation [a]Advisory* is in effect; and

[2.] **B.** The *[air pollution]* **maroon** emergency alert *[PSI] AQI* value is equal/*ed* or exceeded at any one (1) monitoring station within the advisory area.

[(B)] **2.** The *[air pollution]* **maroon** emergency procedures can also be initiated if—

[1.] **A.** The *[air pollution]* **maroon** emergency alert *[PSI]* **AQI** value is equal to or exceeded as the arithmetic mean of twelve (12) consecutive hours and a forecast of stagnation for the following twelve (12) hours is received;

[2.] **B.** The *[red]* **purple** alert *[PSI]* **AQI** value is equal to or exceeded as the arithmetic mean for twenty-four (24) hours and a forecast of stagnation for the following twelve (12) hours is received; or

[3.] **C.** The *[yellow]* **red** alert *[PSI]* **AQI** value is equal to or exceeded as the arithmetic mean for thirty-six (36) hours and a forecast of stagnation for the following twelve (12) hours is received.

[(C)] **3.** The following are **maroon** emergency alert procedures:

[1.] **A.** All affected governmental control agencies shall be notified that a *[n]* **maroon** emergency alert exists and that coordination of action is required;

[2.] **B.** All hospitals within the affected area shall be notified that a *[n]* **maroon** emergency alert exists and to be so prepared;

[3.] **C.** The frequency of air monitoring shall be increased, *if necessary,* at all sampling stations which are not continuous at intervals not exceeding one-half (1/2) hour with continual half-hour review at a central control location, **if this equipment is available and it is deemed necessary by the director;**

[4.] **D.** Open burning and incineration shall cease throughout the area;

[5.] **E.** Facilities which are sources of air contaminant emissions and are required to have filed approved plans with the director shall initiate these plans upon notification by the director or his/her representative that air pollution emergency conditions exist (see *[section (9)]* **paragraph (3)(E)4.**);

[6.] **F.** The use of motor vehicles is prohibited except in emergencies with the approval of local or state police;

[7.] **G.** All manufacturing facilities except those listed in *[paragraph (5)(C)5.]* **subparagraph (3)(E)3.E.** shall institute action that will result in maximum reduction of air contaminants from their operations by ceasing, curtailing or postponing operations to the extent possible without causing injury to persons or damage to equipment;

[8.] **H.** All airplane flights originating within the area of the *[air pollution]* **maroon** emergency alert shall be cancelled;

[9.] **I.** All places of employment described as follows immediately shall cease operation during the *[air pollution]* **maroon** emergency alert:

[A.] **(I)** Mining and quarrying;

[B.] **(II)** Contract construction work;

[C.] **(III)** Wholesale trade establishments;

[D.] **(IV)** Schools and libraries;

[E.] **(V)** Governmental agencies except those needed to administer air pollution alert program and other essential agencies determined by the director to be vital for public safety and welfare and needed to administer the provisions of this rule;

[F.] **(VI)** Retail trade stores except those dealing primarily in sale of food or pharmacies;

[G.] **(VII)** Banks, real estate agencies, insurance offices and similar business;

[H.] **(VIII)** Laundries, cleaners and dryers, beauty and barber shops and photographic studios;

[I.] **(IX)** Amusement, *[and]* recreational, **gaming and entertainment** service establishments, *[such as motion picture theaters];*

[J.] **(X)** Automobile repair and automobile service garages; and

[K.] **(XI)** Advertising offices, consumer credit reporting, adjustment and collection agencies, printing and duplicating services, rental agencies and commercial testing laboratories; and

[10.] **J.** The general public shall be informed through the news media that a *[n]* **maroon** emergency alert exists, the geographical area(s) where the alert is applicable, the emission and

type of source(s) that initiated the alert, individual abatement actions which will help alleviate the problem and encourage those with respiratory ailments or heart conditions to take the most appropriate and expedient precautions.

[(6)] *Termination of Alerts.* When, in the judgment of the director, meteorological conditions and pollutant concentrations warrant discontinuance of any alert condition, the director shall notify the technical staff, the chairman and members of the Missouri Air Conservation Commission that the alert has been discontinued and issue a public notice to that effect.

(7) *Yellow Alert Plan Objectives.*

(A) *Air Contaminant Source.* Electric power generating facilities—requirements for plan.

1. Reduction of emission by utilization of fuels having low ash and sulfur content. Soot blowing and boiler lancing to be allowed only during periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.).

2. Reduction of emissions by diverting electric power generation to facilities outside of area for which the alert is called.

(B) *Air Contaminant Source.* Process steam generating facilities—requirements for plan.

1. Reduction of emissions by utilization of fuels having low ash and sulfur content. Soot blowing and boiler lancing to be allowed only during periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.).

2. Reduction of steam load demands consistent with continuing the operation of the plant.

(C) *Air Contaminant Source.* Manufacturing industries of the following Standard Industrial Classification Manual (SIC) group designations: paper and allied products industries, group 26; chemicals and allied products industries, group 28; petroleum refining and related industries, group 29; stone, glass, clay and concrete product industries, group 32; primary metal industries, group 33; and grain industries, group 20—requirements for plan.

1. Curtailing, postponing or deferring production and allied operations. Stopping all trade waste disposal practices which emit particles, gases, vapors or malodorous substances including incineration.

2. Reducing heat load demands for processing to a minimum.

(D) *Air Contaminant Source.* Other manufacturing facilities required to submit alert plans by the director—requirements for plan.

1. Reduction of air contaminant emissions by curtailing or deferring production and allied operations. Stopping of all trade waste disposal practices which emit particles, gases, vapors or malodorous substances including incineration.

2. Reduction of heat load demands for processing to a minimum.

(E) *Air Contaminant Source.* Private, public and commercial refuse disposal operations—requirement for plan. Stopping of all open burning including disposal of trees and burning at fire-fighting schools, except as required for disposal of hazardous materials or other emergency needs. Operation of incinerators shall be limited to the hours between 10:00 a.m. and 2:00 p.m.

(F) *Air Contaminant Source.* Transportation—requirement for plan. The unnecessary operation of any motor vehicle should be restricted.

[(8)] **4.** *[Red]* **Maroon** emergency *[A]* alert *[P]* plan *[O]* objectives. **AQI breakpoints from three hundred one to four hundred**

(301–400). All *[yellow]* **purple** alert plans shall be continued. In addition, the following measures shall be taken:

[(A)] **A.** Air *[C]*contaminant *[S]*source. Process steam generating facilities—requirements for plan.

[1.] **(I)** Maximum reduction of air contaminant emissions by utilization of fuels having the lowest ash and sulfur content.

[2.] **(II)** Maximum utilization of periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.) for soot blowing and boiler lancing. Prepare to implement the emergency plan submitted to the director.

[(B)] **B.** Air *[C]*contaminant *[S]*source. Manufacturing industries of the following SIC group designations: **grain industries, group 20**; paper and allied products industries, group 26; chemical and allied products industries, group 28; petroleum refining and related industries, group 29; stone, glass, clay and concrete product industries, group 32; primary metals industries, group 33 *[grain industries, group 20]*—requirements for plan.

[1.] **(I)** Maximum reduction of air contaminant emissions by, if necessary, postponing production and allied operations.

[2.] **(II)** Maximum reduction of heat load demands for processing. Prepare to implement the emergency plan submitted to the director;

[(C)] **C.** Air *[C]*contaminant *[S]*source. Other manufacturing facilities required to submit alert plans by the director—requirement for plan. Maximum reduction of air contaminant emissions, if necessary, by postponing production and allied operations;

[(D)] **D.** Air *[C]*contaminant *[S]*source. Private, public and commercial refuse disposal operations—requirement for plan. Stop operation of all incinerators; and

[(E)] **E.** Air *[C]*contaminant *[S]*source. Transportation—requirement for plan. Car pools and public transportation must be used in place of unnecessary motor vehicle operation.

[(9)] **5.** *[Air Pollution]* **Maroon** *[E]*emergency alert *[P]*plan *[O]*objectives. **AQI breakpoints from four hundred one to five hundred (401–500).** All *[yellow and red]* **purple** alert plans and **maroon emergency alert plan from AQI breakpoints three hundred one to four hundred (301–400)** shall be continued. In addition, the following measures shall be taken:

[(A)] **A.** Air *[C]*contaminant *[S]*source. Process steam generating facilities—requirements for plan.

[1.] **(I)** Maximum reduction of air contaminant emissions by reducing heat and steam load demands to values consistent with preventing equipment damage.

[2.] **(II)** Maximum utilization of periods of high atmospheric turbulence (12:00 noon to 4:00 p.m.) for soot blowing and boiler lancing;

[(B)] **B.** Air *[C]*contaminant *[S]*source. Manufacturing industries of the following SIC group designations: **grain industries, group 20**; paper and allied products industries, group 26; chemicals and allied products industries, group 28; petroleum refining and related industries, group 29; stone, glass, clay and concrete product industries, group 32; primary metals industries, *[grain industries, group 20]* group 33—requirement for plan. Elimination of air contaminant from the manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment;

[(C)] **C.** Air *[C]*contaminant *[S]*source. Other manufacturing facilities required to submit alert plans by the director—requirements for plan.

[1.] **(I)** Elimination of air contaminant emissions from the manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

[2.] **(II)** Maximum reduction of heat load demands for processing;

[(D)] **D.** Air *[C]*contaminant *[S]*source. Private, public and commercial operations—requirement for plan. The following places of employment, if notified by the director, immediately shall cease operations: mining and quarrying operations; construction projects except as required to avoid emergent physical harm; manufacturing establishments except those required to have in force an air pollution alert plan; wholesale trade establishments; governmental units, except as required to implement the provisions of this rule and other operations essential to immediate protection of the public welfare and safety; retail trade and service establishments except pharmacies, food stores and other similar operations providing for emergency needs; other commercial service operations, such as those engaged in banking, insurance, real estate, advertising, and the like; educational institutions; and amusement, *[and]* recreational, **gaming and entertainment** facilities; *[and]*

[(E)] **E.** Air *[C]*contaminant *[S]*source. Transportation—requirement for plan. Motor vehicles shall only be used for private and public emergency needs.

(4) Reporting and Record Keeping. Facilities which are sources of air contaminant emissions per paragraphs (3)(C)3., (3)(D)4. and (3)(E)4. shall file approved red, purple and maroon alert plans within sixty (60) days with the director after request by the director to submit alert plans.

(5) Test Methods. The testing references for Missouri ambient air quality data are as specified in 10 CSR 10-6.040 Reference Methods.

AUTHORITY: section 643.050, RSMo *[Supp. 1992]* **2000**. Original rule filed May 11, 1984, effective Oct. 11, 1984. Amended: Filed Jan. 5, 1988, effective April 28, 1988. Amended: Filed March 13, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., May 30, 2002. The public hearing will be held at the Hannibal Inn & Conference Center, Becky Thatcher Room, 4141 Market Street, Hannibal, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Roger D. Randolph, Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 6, 2002. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 40—Land Reclamation Commission

Chapter 10—Permit and Performance Requirements for Industrial Mineral Open Pit and In-Stream Sand and Gravel Operations

PROPOSED AMENDMENT

10 CSR 40-10.020 Permit Application Requirements. The commission is amending subsection (2)(F) and section (3).

PURPOSE: The purpose of this amendment is to change the fee structure in order to provide the Department of Natural Resources with adequate funding in order to implement The Land Reclamation Act, sections 444.760 to 444.790, RSMo Supp. 2001. The need for this proposed amendment is supported by the accompanying fiscal note. The proposed amendment will increase the fee income by an estimated one hundred sixty-five thousand three hundred seventy-three dollars (\$165,373). The necessary documentation is on file at the Land Reclamation Program office at the address and phone number listed at the end of this proposed amendment.

(2) As required by section 444.772, RSMo, an applicant shall provide a complete application package submitted which includes the following:

(F) All required fees based upon the type of operation and amount of production as follows:

[1. For gravel operations producing less than five thousand (5000) tons annually, an annual permit fee of one hundred dollars (\$100) plus an acreage fee of thirty-five dollars (\$35) per whole or fractional acre permitted; and

2. For all other operations (including gravel over five thousand (5000) tons annually), the applicant shall pay an annual permit fee of three hundred fifty dollars (\$350) plus an acreage fee of thirty-five dollars (\$35) per whole or fractional acre permitted plus an annual site fee of forty dollars (\$40) per site to be operated during the succeeding twelve (12) months;]

1. An annual permit fee of five hundred dollars (\$500).

2. An annual site fee for each site listed on a permit of three hundred dollars (\$300). If surface mining operations are not conducted at a site for a total of six (6) months or more during any one (1) permit year, the fee for such site for that year shall be reduced by fifty percent (50%) or to the amount of one hundred fifty dollars (\$150).

3. An annual acreage fee for each acre bonded by the operator of five dollars (\$5) per acre for each acre permitted.

4. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand (5,000) tons, the total cost of submitting an application shall be three hundred dollars (\$300).

5. In no case shall the total fee for any permit be more than two thousand five hundred dollars (\$2,500).

6. Fees imposed shall expire on December 31, 2007.

(3) As required by section 444.772, RSMo, any mining permit covering affected land that has not been totally reclaimed and released from liability prior to permit expiration must be [repermitted each year until reclamation is complete and liability is released. To repermit, the operator shall file a complete permit application and pay the appropriate fees, as outlined in section 444.772, RSMo and as outlined by these rules] renewed annually.

(A) The operator shall submit a permit renewal form furnished by the director for an additional permit year and pay an annual fee equal to an application fee calculated pursuant to subsection (2)(F) of this rule, but in no case shall the annual renewal fee for any operator be more than two thousand five hundred dollars (\$2,500).

(B) For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand (5,000) tons, the operator shall submit an annual permit renewal form furnished by the director for an additional permit year and pay an annual fee of three hundred dollars (\$300).

(C) Upon receipt of the completed permit renewal form and annual fee from the operator, the director shall approve the renewal. With approval of the director and operator, the

permit renewal may be extended for a portion of an additional year with a corresponding prorating of the renewal fee.

AUTHORITY: sections 444.767, [RSMo Supp. 1993] 444.772, [RSMo Supp. 1992] and 444.784, RSMo [Supp. 1990] Supp. 2001. Original rule filed Aug. 2, 1991, effective Feb. 6, 1992. Amended: Filed June 1, 1994, effective Nov. 30, 1994. Amended: Filed March 15, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated one hundred sixty-five thousand three hundred seventy-three dollars (\$165,373) per year in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Land Reclamation Program, Larry Coen, Staff Director, PO Box 176, Jefferson City, MO 65102, (573) 751-4041. To be considered, comments must be received by June 14, 2002. A hearing is scheduled for 1:00 p.m., May 23, 2002 at the Department of Natural Resources meeting complex located at 1738 East Elm Street, Jefferson City, Missouri.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: 10 – DEPARTMENT OF NATURAL RESOURCES

Division: Industrial Minerals Fee Increase

Chapter: 10- Permit and Performance Requirements for Industrial Mineral Open Pit and In-Stream Sand and Gravel Operations

Type of Rulemaking: Proposed Increase Application Fees

Rule Number and Name: 10 CSR 40-10.020(2)

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities.
It is estimated that 359 permitted mining operations will be affected by this change. The public entity affected will be the Department of Natural Resources Land Reclamation Program which will use the estimated costs increase on the private entities to implement HB 453, passed in FY01 legislative session.	Industrial Mineral Mining Companies	The estimated cost of this rule change will be \$165,373. This is based on maximum permit fees capped at \$500. In the fiscal note for HB 453, this amount was \$200,388, which was based on a maximum permit fee of \$600. We are not requesting the entire amount allowed on this rule change. These rule costs will be used to implement HB 453, passed FY01.

III. WORKSHEET

Type of Operations	# Permits	Current Costs	Total Estimated Costs
Sand and Gravel operations	176	\$41,800	\$90,928
Limestone operations	156	\$112,493	\$211,885
Clay operations	19	\$20,540	\$32,890
Barite	1	\$780	\$1,605
Granite	4	\$1,950	\$4,698
Sandstone	3	\$1,555	\$2,485
	359	\$179,118	\$344,491

Difference of \$165,373 is the amount of this rule change private entity costs.

Note: See attached for more detail cost by commodity

IV. ASSUMPTIONS

Permit fee will be \$500. (Maximum fee in HB 453 could be \$600)

Site fee would be \$300. There are 888 sites.

Annual acre fee will be \$5 per acre for all acres permitted

Number of permits at the \$500 maximum is 216; permits at the \$150 minimum is 143.

Maximum Fee would be \$2,500, based on the combination of permit fee (\$500), site fee (300 for each site), and annual acre fee (\$5 for each acre permitted) and the minimum fee would be \$300.

Private entity costs will be used to implement HB 453, passed in the FY01 legislative session.

2001 Industrial Minerals Permits and Fees									
Fiscal Note Private Entity Cost			Maximum Fee at \$2500 and Minimum Fee at \$300			Site Fees at \$300			
			Permit Fee at \$500 (Could be \$600)			Acres Fees set at \$5 for all			
Current Permits and Sites									
Number of Open Pit Permits =			216		Number of Site Fees @ \$300/ca = 888				
Number of Sand and Gravel Permits =			143		Total Number of Sites= 888				
Total Number of Permits=			359		Total Number of Acres = 21,157				
By Commodity:									
Sand and									
Gravel Limestone Clay Barite Granite Sandstone									
Projected new fees:			\$344,490	\$90,928	\$211,885	\$32,890	\$1,605	\$4,698	\$2,485
Percent Revenue by Cost			100.00%	26.39%	61.51%	9.55%	0.47%	1.36%	0.72%
Number of Permits			359	176	156	19	1	4	3
Percent by Permits			100.00%	49.03%	43.45%	5.29%	0.28%	1.11%	0.84%
Number of Sites			888	389	355	134	2	5	3
Percent by Sites			100.00%	43.81%	39.98%	15.09%	0.23%	0.56%	0.34%
Distribution By Size:									
			Number Of Permits	Percent by Number	% Cost With Caps	Total Cost With Caps	% Cost W/O Caps	Total Cost W/O Caps	
Companies Capped at \$2500 =			38	10.58%	27.58%	\$95,000	33.16%	\$182,568	
Companies that pay \$2000 to \$2499 =			13	3.62%	8.42%	\$29,020	5.27%	\$29,020	
Companies that pay \$1500 to \$1999 =			20	5.57%	9.97%	\$34,343	6.24%	\$34,343	
Companies that pay \$1000 to \$1499 =			52	14.48%	18.10%	\$62,338	11.32%	\$62,338	
Companies that pay \$500 to \$999 =			93	25.91%	23.48%	\$80,890	14.69%	\$80,890	
Companies that pay \$301 to \$499 =			0	0.00%	0.00%	\$0	0.00%	\$0	
Small Operators Capped at \$300 =			143	39.83%	12.45%	\$42,900	29.31%	\$161,376	
Total Permits =			359			\$344,490		\$550,533	
Distribution By Size and Commodity:									
			Max Capped at \$2,500	\$2000 to \$2,499	\$1500 to \$1,999	\$1000 to \$1,499	\$500 to \$999	Min Capped at \$300	Total by Commodity
Sand and Gravel			\$10,000	\$6,250	\$13,790	\$9,143	\$8,845	\$42,900	\$90,928
Limestone			\$67,500	\$20,365	\$15,363	\$44,323	\$64,335	\$0	\$211,885
Clay			\$17,500	\$2,405	\$3,585	\$5,145	\$4,255	\$0	\$32,890
Barite			\$0	\$0	\$1,605	\$0	\$0	\$0	\$1,605
Granite			\$0	\$0	\$0	\$3,728	\$970	\$0	\$4,698
Sandstone			\$0	\$0	\$0	\$0	\$2,485	\$0	\$2,485
Total Dollars by Size:			\$95,000	\$29,020	\$34,343	\$62,338	\$80,890	\$42,900	\$344,490

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-4.111 Endangered Species is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2002 (27 MoReg 226). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the comment period.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 1—General Organization and Procedures**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-1.010 General Organization is rescinded.

A notice of the proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2354). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 1—General Organization and Procedures**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-1.021 Definitions is rescinded.

A notice of the proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2354). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 1—General Organization and Procedures**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.001 and 317.006, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-1.021 Definitions is adopted.

A notice of the proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2354–2355). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 1—General Organization and Procedures**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 610.010–610.035, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-1.030 Custodian of Public Records is rescinded.

A notice of the proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2355). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 1—General Organization and Procedures**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-1.031 Fees for Document Search and Copying is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2355). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 2—Licenses and Permits**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-2.011 Licenses is rescinded.

A notice of the proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2356). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 2—Licenses and Permits**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-2.011 Licenses is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2356–2364). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 2—Licenses and Permits**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-2.021 Permits is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2365). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 2—Licenses and Permits**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-2.021 Permits and Fees is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2365–2368). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 3—Ticket Procedures**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-3.011 Tickets and Taxes is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2369). No changes have been made to the proposed

rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 3—Ticket Procedures**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-3.011 Tickets and Taxes is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2369-2371). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-4.015 Promoters is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2372). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-4.015 Promoters is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2372-2375). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-4.020 Matchmakers is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2376). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the board adopts a rule as follows:

4 CSR 40-4.020 Matchmakers is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2376). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

**4 CSR 40-4.030 Professional Boxing, Wrestling and Karate
Referees is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2376-2377). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-4.030 Professional Boxing, Professional Wrestling, Professional Kickboxing, and Professional Full-Contact Karate Referees **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2377-2381). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-4.040 Physicians for Boxing and Karate **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2382). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-4.040 Physicians for Professional Boxing, Professional Wrestling, Professional Kickboxing, and Professional Full-Contact Karate **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2382-2383). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-4.050 Timekeepers **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2384). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-4.050 Timekeepers **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2384-2386). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office amends a rule as follows:

4 CSR 40-4.060 Announcers **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2387). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office amends a rule as follows:

4 CSR 40-4.070 Seconds is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2387-2388). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-4.080 Judges for Professional Boxing and Karate is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2388). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-4.080 Judges for Professional Boxing, Professional Kickboxing and Professional Full-Contact Karate is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2388-2391). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 4—Licensees and Their Responsibilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office amends a rule as follows:

4 CSR 40-4.090 Contestants is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2392). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 5—Inspector Duties and Rules for Professional
Boxing, Professional Wrestling, Professional
Kickboxing, and Professional Full-Contact Karate**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office amends a rule as follows:

4 CSR 40-5.010 Inspectors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2392-2394). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 5—Inspector Duties for Boxing, Wrestling,
Karate, and Semiprofessional Elimination Contests**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-5.030 Rules for Professional Wrestling is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2395). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 40—Office of Athletics

**Chapter 5—Inspector Duties and Rules for Professional
Boxing, Professional Wrestling, Professional
Kickboxing, and Professional Full-Contact Karate**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-5.030 Rules for Professional Wrestling is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2395-2397). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 40—Office of Athletics

**Chapter 5—Inspector Duties for Boxing, Wrestling,
Karate and Semiprofessional Elimination Contests**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-5.040 Rules for Professional Boxing is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2398). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 40—Office of Athletics

**Chapter 5—Inspector Duties and Rules for Professional
Boxing, Professional Wrestling, Professional
Kickboxing, and Professional Full-Contact Karate**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-5.040 Rules for Professional Boxing is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2398-2400). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 40—Office of Athletics

**Chapter 5—Inspector Duties for Boxing, Wrestling,
Karate and Semiprofessional Elimination Contests**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-5.050 Rules for Amateur Boxing is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2400). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 40—Office of Athletics

**Chapter 5—Inspector Duties for Boxing, Wrestling,
Karate and Semiprofessional Elimination Contests**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

4 CSR 40-5.060 Rules for Professional and Amateur Full-Contact Karate is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2400). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 40—Office of Athletics

**Chapter 5—Inspector Duties and Rules for Professional
Boxing, Professional Wrestling, Professional
Kickboxing, and Professional Full-Contact Karate**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office adopts a rule as follows:

4 CSR 40-5.060 Rules for Professional Kickboxing and Professional Full-Contact Karate is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2400-2402). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 5—Inspector Duties for Boxing, Wrestling,
Karate and Semiprofessional Elimination Contests**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.001(7) and 317.006(1), RSMo 2000, the office rescinds a rule as follows:

**4 CSR 40-5.070 Semiprofessional Elimination Contest is
rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2402). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 6—Facilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

**4 CSR 40-6.010 Facility and Equipment Requirements is
rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2402-2403). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 6—Facilities**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office adopts a rule as follows:

**4 CSR 40-6.010 Facility and Equipment Requirements
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2403). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 7—Disciplinary and Appeals Procedures**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office rescinds a rule as follows:

**4 CSR 40-7.010 Disciplinary and Appeals Procedures is
rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2403-2404). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 40—Office of Athletics
Chapter 7—Disciplinary and Appeals Procedures**

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under section 317.006, RSMo 2000, the office adopts a rule as follows:

**4 CSR 40-7.010 Disciplinary and Appeals Procedures
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2404). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Credit Unions under section 370.100, RSMo 2000, the director amends a rule as follows:

**4 CSR 100-2.085 Credit Union Service Organization (CUSO) is
amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2002 (27 MoReg 16-18). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Credit Unions received one (1) comment on the proposed amendment.

COMMENT: The Missouri Credit Union System submitted a comment in support of the proposed amendment.

RESPONSE: The Division of Credit Unions appreciates having the support of the Missouri Credit Union System in this effort.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-5.300 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 1967-1974). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program (APCP) received comments from the U.S. Environmental Protection Agency (EPA), The Boeing Corporation, DaimlerChrysler Corporation and Safety-Kleen Systems, Inc. The comments focused on support, language clarity, additions and changes.

COMMENT: The Boeing Corporation commented that subparagraphs (3)(B)1.A. and parts (3)(B)1.A.(I) through (IV) should be deleted. These provisions relate to a transitional 2mmHg vapor pressure limit for cold cleaning that was in place between September 30, 1998 and April 1, 2001. It is after April 1, 2001, and the 2mmHg vapor pressure no longer has any applicability. As a result, these paragraphs unnecessarily clutter and lessen the clarity of the rule. Subsequent language that reference the deleted language can also then be simplified, and should be easier to understand.

RESPONSE: The department's Air Pollution Control Program believes the rule language as written is rule history and follows correct rule organization format. The rule language also demonstrates the phase-in period for the vapor pressure requirements. Therefore, no changes were made as a result of this comment.

COMMENT: The Boeing Corporation commented that subparagraph (3)(B)1.C. includes the undefined term, enclosed reservoir, which makes its applicability unclear. The term and/or the applicability of this section should be defined. Additionally, subparagraph (3)(B)1.C. states that a cold cleaner must have a cover or an enclosed reservoir (which limit the escape of solvent vapors when not processing parts). Part (3)(B)1.D.(X) states that all remote closed top spray gun cleaning machines shall not be operated unless the cover is closed and shall be closed or covered when not in use. If a remote reservoir is similar to an enclosed reservoir, then subparagraph (3)(B)1.C. and part (3)(B)1.D.(X) seem to contradict each other.

RESPONSE: The department's Air Pollution Control Program believes the term enclosed reservoir is self-explanatory and does not need defining. It should be pointed out that subparagraph (3)(B)1.C. deals with Cold Cleaners and part (3)(B)1.D.(X) deals with only Spray Gun Cleaning that includes spray gun cleaning

machines. Therefore, no changes were made as a result of this comment.

COMMENT: The Boeing Corporation commented that relevant exempt activities found in subparagraph (3)(B)1.D. are exempted only from the vapor pressure requirements as written, including the small unit (< 1 gallon) exemptions at part (3)(B)1.D.(VI). This means that if a facility has a beaker that contains one ounce of solvent used to clean metal parts, then the facility would need to comply with the annual training, record keeping and other provisions of the rule—except the vapor pressure. These requirements are overly burdensome. The operations listed under the exemptions are either covered adequately by other language in the rule, specifically parts (3)(B)1.D.(III) and (3)(B)1.D.(V) as numbered in the proposal, or have negligible impact to air quality and therefore should be unconditionally exempt from all requirements of the rule.

RESPONSE: The department's Air Pollution Control Program believes training and record keeping are needed to control air pollution emissions. Operations originally covered under this rule prior to the incorporation of the vapor pressure restrictions are still required to have record keeping and training. Personnel need to be trained to do the job properly and quantities of solvents need to be known so that they can be monitored. The rules referenced in parts (3)(B)1.D.(III) and (V) have their own reporting and record keeping requirements. Processes covered under these rules are not required to comply with the training and record keeping requirements of the solvent metal cleaning rule. Therefore, no changes were made as a result of this comment.

COMMENT: The Boeing Corporation commented that the Missouri Hazardous Waste rules cited in subparts (3)(B)1.D.(VIII)(b) and (c) stand alone and do not need to be repeated in this rule. Including 10 CSR 25 rules in an air pollution control rule sets up a situation where a violation of a hazardous waste regulation unrelated to emissions (ex. missing accumulation start date) is purportedly enforceable under Missouri clean air rules. This places the violating facility in jeopardy under two sets of rules for the same infraction, and makes the air pollution control enforcement staff responsible for enforcing rules whose details they are unfamiliar with.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program does not intend to enforce Hazardous Waste Program rules or access penalties under the air law for hazardous waste law violations. However the words, for reference, have been added to subparagraphs (3)(C)1.E., (3)(C)2.J. and (3)(C)3.H. and subparts (3)(B)1.D.(VIII)(b) and (c) for rule clarity and standardization.

COMMENT: The Boeing Corporation commented that part (3)(B)1.D.(X) on paint spray gun cleaning should be deleted completely because although part (3)(B)1.D.(X) was proposed to provide an exemption for certain gun cleaning machines. Boeing's position is that paint spray gun cleaning is outside the scope of this solvent cleaning rule, so that a partial exemption is unnecessary.

RESPONSE: The department's Air Pollution Control Program believes the machines used to clean spray guns are a type of cold cleaner and fall under the applicability of this rule. Therefore, no changes were made as a result of this comment.

COMMENT: The Boeing Corporation and DaimlerChrysler Corporation commented that the term soils was not defined in the rule or in 10 CSR 10-6.020 Definitions.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees that the term soils is not defined. Soils are usually thought of as something not wanted on something else. A paint spray gun that has to be cleaned or has to apply a different color paint is dirty or soiled and has to be cleaned to be reusable. Therefore, the department's Air Pollution

Control Program has added language in section (2) Definitions to read, Soils—Includes, but is not limited to, unwanted grease, wax, grit, ash, dirt, oil, primers, paint, specialty coatings, adhesives, sealers, resins and deadeners.

COMMENT: DaimlerChrysler Corporation commented to revise the language to clarify that the paint spray gun exemption applies to all coatings and not just what may be commonly viewed as paint.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees with this comment. Language has been added to part (3)(B)1.D.(X) clarifying that other coatings may also be exempt.

COMMENT: The Boeing Corporation commented about the term metal parts and how metal parts do not relate to spray gun tools falling within the scope of metal surfaces intended to be covered by this rule.

RESPONSE: The department's Air Pollution Control Program realizes that a spray gun is made up of components or parts (metal or otherwise) and can be cleaned in the whole or in parts. Since a spray gun consists of parts, it can be cleaned using cold cleaners or more efficiently using spray gun cleaning machines which are a subcategory of cold cleaners. Therefore, no changes were made as a result of this comment.

COMMENT: The Boeing Corporation commented on the creation of a rules conflict regarding that no solvent vapor pressure limits have been set for gun cleaning or that annual training record keeping requirements are required with respect to the St. Louis Aerospace Volatile Organic Compound (VOC) rule 10 CSR 10-5.295 Control of Emissions From Aerospace Manufacture and Rework Facilities and the Aerospace National Emission Standards for Hazardous Air Pollutants (NESHAP) referenced in 10 CSR 10-6.075 Maximum Achievable Control Technology Regulations and this rule amendment.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program's intention of this rule amendment is to exempt the solvent vapor requirements for solvents used in remote closed top spray gun cleaning machines because it is realized that industry needs to use solvents that can perform the needed cleaning operation. Also, the department's Air Pollution Control Program believes annual training and record keeping requirements are needed to improve operating practices to help control air pollution emissions and thus reduce air pollution. Therefore, the department's Air Pollution Control Program has retained the solvent vapor pressure exemption for remote closed top spray gun cleaning machines. However, the department's Air Pollution Control Program has added the applicable NESHAP's spray gun cleaning language to the spray gun cleaning exemption part (3)(B)1.D.(X) to expand and better clarify the intent of the rule. Exemption language has also been added to paragraph (3)(D)5. Operator and Supervisor Training and subsection (4)(D) Reporting and Record Keeping to exempt personnel training and record keeping for spray gun cleaning operations that are regulated by 10 CSR 10-5.295 and 10 CSR 10-6.075. This exemption language was added to better clarify the intent of the rule because these operations use semi-annual compliance and certification as control techniques.

COMMENT: The Boeing Corporation commented on the placement of spray paint gun cleaning into Missouri's surface coating regulations as in the St. Louis Aerospace VOC rule, so that painters who also clean paint guns can readily find the requirements that pertain to their activity. Businesses that perform primarily surface coating do not anticipate finding their regulatory requirements in a rule for cold cleaners and vapor degreasers, activities more typical of machine shops and vehicle repair.

RESPONSE: The department's Air Pollution Control Program believes that facilities that perform primarily surface coating should anticipate finding spray gun cleaning regulatory requirements in a solvent metal cleaning rule for cold cleaners because spray gun cleaning machines are a subcategory of cold cleaners. Therefore, no changes were made as a result of this comment.

COMMENT: The Boeing Corporation commented that no information pertaining to spray gun cleaning was known prior to its inclusion into this proposed rule amendment. History concerning the promulgation of the prior rule amendment to 10 CSR 10-5.300 solvent vapor pressure restrictions shows support was given to the prior amendment by Boeing and Safety-Kleen in cold cleaning degreasing applications and at no time was spray gun cleaning addressed therefore part (3)(B)1.D.(X) should be deleted.

RESPONSE: The department's Air Pollution Control Program addressed concerns by Safety-Kleen that the low vapor pressure restrictions in the original rule did not allow use of solvents capable of cleaning paint spray guns with this proposed rule amendment. The department's Air Pollution Control Program considered comments by Safety-Kleen in the rule amendment development stage and determined that spray gun cleaning can be done in spray gun cleaning machines which are a subcategory of cold cleaners. As a result, spray gun cleaning requirements belong in 10 CSR 10-5.300. Therefore, no changes were made as a result of this comment.

COMMENT: The Boeing Corporation commented that actual emissions from paint gun cleaning are very minimal, even in the aggregate. Further comment stated that it was clear that the department has not determined what actual paint gun cleaning practices have been in the past, nor whether all paint guns can actually be cleaned under a rule that considers gun cleaning to be subject to solvent vapor pressure limits and other cold cleaner rule provisions. Therefore, part (3)(B)1.D.(X) should be deleted. Reference was also made to California's South Coast Air Quality District Rule 1171 specifically addressing the vapor pressure limits of solvents used in gun cleaning.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program's presentation stated that the proposed amendment clearly addresses spray gun cleaning since spray gun cleaners are considered cold cleaners. The department's Air Pollution Control Program's presentation was not intended to explain all techniques or facets of spray gun cleaning. The department's Air Pollution Control Program researched 40 CFR Part 63, Subpart GG—National Emission Standards for Aerospace Manufacturing and Rework Facilities, other states rules, and Missouri's rules that pertain to coating application and subsequent application equipment cleaning. Most rules do not address spray gun cleaning because solvent vapor limits that are set to control VOC emissions relating to ozone creation are too low to allow adequate gun cleaning to be done. Subpart GG has the most extensive language that directly pertains to gun cleaning, and even it doesn't control solvent vapor pressure of the solvents used. Therefore, the department's Air Pollution Control Program has added language to part (3)(B)1.D.(X) from Subpart GG pertaining to five (5) spray gun cleaning techniques as well as expanded the language to better clarify the intent of part (3)(B)1.D.(X).

COMMENT: The Boeing Corporation commented that the term volatility in part (3)(B)1.F.(I) and subparagraphs (3)(B)1.H. and (3)(B)1.K. should be changed to vapor pressure to lessen any confusion pertaining to the meanings of the two terms.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees and has changed the word volatility to vapor pressure in part (3)(B)1.F.(I) and subparagraphs (3)(B)1.H. and (3)(B)1.K.

COMMENT: The Boeing Corporation commented that the department's Air Pollution Control Program should add language to paragraph (3)(B)2. to read—Any vapor degreasers regulated under any federal National Emission Standard for Hazardous Air Pollutant are exempt from this rule. This would parallel language concerning cold cleaners regulated under a NESHAP at part (3)(B)1.D.(V), and would eliminate duplicative requirements for vapor degreasers subject to the Halogenated Solvent Cleaning NESHAP.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees and has added new language in subparagraph (3)(B)2.E. to duplicate language in part (3)(B)1.D.(V) for rule uniformity.

COMMENT: The Boeing Corporation commented that subparagraph (3)(C)1.C. pertaining to a requirement that a cold cleaner is to be shut down immediately and remain shut down until trained service personnel are able to restore operation within the established parameters is not relevant for a cold cleaner because they are such simple devices with simple operating procedures. This paragraph has little to no value and clutters the rule. Further comments concerning subparagraph's (3)(C)2.F. and (3)(C)3.C. that equipment operators in many instances are experienced enough to be able to restore operation of nonfunctioning cleaners and that language should be added to the present language in the rule pertaining to restoring operation of the equipment by trained service personnel as presently allowed in the rule.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program realizes that cold cleaners are simple devices with simple operating procedures. The sooner any solvent emission source can be repaired when not performing properly, the less emissions will be emitted. Furthermore, the department's Air Pollution Control Program believes that the operator of the cold cleaner that is not performing correctly may be able to correct the unit as well as trained service personnel. Therefore, the department's Air Pollution Control Program has added language in subparagraphs (3)(C)1.C., (3)(C)2.F., (3)(C)3.C., (3)(C)1.D., (3)(C)2.G. and (3)(C)3.D. to allow operators to repair and restore operation as well as trained service personnel.

COMMENT: The Boeing Corporation commented to delete subparagraph (3)(C)1.E. and its language regarding disposal of solvents from a cold cleaner. Missouri Hazardous Waste rules stand alone and provide adequate assurance of proper disposal and storage of spent solvent in closed containers. This subparagraph and subsection (4)(A) are written as to encourage businesses to use a cold cleaner service such as those offered by some Treatment, Storage, Disposal, Recycling Facilities (TSDFs). Facilities that do not use external contractors to perform these activities should not be put at a regulatory disadvantage.

RESPONSE: The department's Air Pollution Control Program does not intend to enforce Hazardous Waste Program rules or access penalties under the air law. Record keeping is a means to better monitor solvent emissions. Only affected facilities know the best way to handle solvent waste for their operation. The department's Air Pollution Control Program does not encourage any cold cleaner service, but rather references Missouri hazardous waste rules so that a proper disposal method is used. No change was made as a result of this comment.

COMMENT: The Boeing Corporation commented that subparagraph (3)(C)2.A. pertaining to open top vapor degreasers, that the cover shall be kept closed at all times except when processing workloads through the degreaser, should be changed to include, for maintenance or collecting samples, because maintenance and solvent sample collection are necessary short term activities that cannot be performed with the vapor degreaser cover closed.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the department's Air Pollution Control Program has added the recommended language to subparagraph (3)(C)2.A.

COMMENT: The Boeing Corporation requested that in subparagraph (3)(C)2.I. concerning vapor degreasers requiring that, water shall not be visually detectable in solvent exiting the water separator, should be changed to read, water shall not be visually detectable in solvent exiting any manually operated water separator. Boeing states that water may not be visually detectable in solvent exiting an automatic water separator due to the configuration of the equipment. If water must be manually removed from the separator, then the potential exists for water to be reintroduced from the separator into the solvent. Where the water is automatically removed from the separator, there is negligible potential for water to be reintroduced from the separator into the solvent.

RESPONSE: The rule requires that water shall not be visually detectable in solvent exiting the water separator. This is required regardless if manual or automatic water separators are used to remove water from the solvent. Therefore, no changes have been made as a result of this comment.

COMMENT: The Boeing Corporation requested that subsection (4)(A) be deleted due to duplication of record keeping and the burdens incurred.

RESPONSE: The rule restates in subsection (4)(A) the original rule language. No additional record keeping is expected as a result of this organizational change. Therefore, no changes were made as a result of this comment.

COMMENT: The Boeing Corporation requested that section (8) Exceptions be retained because the exception language merely informs operators who may be unfamiliar with the VOC definition that these formerly common solvents are not within the rule.

RESPONSE: The department's Air Pollution Control Program believes that the definition of volatile organic compound (VOC) in 10 CSR 10-6.020 Definitions adequately covers these compounds. These compounds are exempt from the requirements of 10 CSR 10-5.300 since they are not VOCs. Therefore, no changes were made as a result of this comment.

COMMENT: DaimlerChrysler Corporation and Safety-Kleen Systems, Inc. commented, that in subpart (3)(B)1.D.(X), spray gun cleaning machines used by industry use larger spent solvent recovery containers than the five (5) gallon limit specified in this proposed rule amendment. They ask that the container size be increased to keep existing equipment from becoming out of compliance. DaimlerChrysler further commented that machines that are in use prior to the rule amendments effective date should be exempt. Further comments by Safety-Kleen state that the VOC emissions produced by the unit are independent to the size of both the solvent supply container and the spent solvent recovery container because both are closed except when being accessed or maintained and therefore can not produce emissions since they are closed.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program believes that the spray gun cleaning machines, regardless of solvent container size, do produce emissions even when not in use. Most of the emissions are produced when the machines are accessed and maintained. Increasing container size will lower emissions because less maintenance will be required. Therefore, the language in subpart (3)(B)1.D.(X), concerning container size limit has been changed from five (5) gallons to thirty (30) gallons.

COMMENT: DaimlerChrysler Corporation commented to exempt piping and pump cleaning machines because motor vehicle manufacturing facilities need to clean not only the coating spray guns

and nozzles, but also the piping and pumps that are used to deliver the coatings to those guns and nozzles.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program agrees and has changed the language in part (3)(B)1.D.(X). Pertaining to five (5) gun cleaning techniques and has expanded the language to better clarify the intent of this exemption.

COMMENT: Safety-Kleen Systems, Inc. commented that open top spray gun cleaning machines should be exempt since the proposed rule amendment proposes to exempt closed top spray gun cleaning machines. Safety-Kleen submitted testing data with results on emission tests where their open top spray gun cleaning machines were tested against several different closed top spray gun cleaning machines and the results found favorably for Safety-Kleens open top machines.

RESPONSE: The department's Air Pollution Control Program has reviewed the test results but finds the test did not include both Safety-Kleen gun cleaning machine types in a direct comparison. Without direct test results to verify that open top spray gun cleaning machines have equal or less emissions than closed top spray gun cleaning machines, we cannot verify this claim. Therefore no changes were made as a result of this comment.

COMMENT: The EPA commented they do not have any objections to the principle of the proposed amendment which will allow high volatility solvents to be used to clean paint spray guns and nozzles as long as they are cleaned in closed top cleaning machines. However, without knowing what the present practice is, EPA does not know if the proposed rule amendment will result in an increase or decrease in volatile organic compound emissions. 10 CSR 10-5.300 is a St. Louis RACT rule and is part of the attainment demonstration and the 15 percent rate of progress plan. The rule amendment can not allow any increase in emissions without calling into question the adequacy of the attainment demonstration and the 15 percent rate of progress plan. Therefore, if the proposed rule amendment is approved, EPA requests that the department provide documentation when the rule is submitted for State Implementation Plan (SIP) approval which demonstrates that the revised rule will not have an adverse impact on the attainment demonstration or the 15 percent rate of progress plan.

RESPONSE: The department's Air Pollution Control Program agrees and plans to include documentation with the SIP submittal to show that this amendment will not increase emissions. Therefore, no changes were made as a result of this comment.

10 CSR 10-5.300 Control of Emissions From Solvent Metal Cleaning

(2) Definitions.

(I) Soils—Includes, but is not limited to, unwanted grease, wax, grit, ash, dirt, oil, primers, paint, specialty coatings, adhesives, sealers, resins and deadeners.

(J) Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(B) Equipment Specifications.

1. Cold cleaners.

A. After September 30, 1998—

(I) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent with a vapor pressure greater than 2.0 millimeters of Mercury (mmHg) (0.038 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) unless the cold cleaner is used for carburetor cleaning;

(II) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure

greater than 2.0 mmHg (0.038 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties, unless the cold cleaning solvent is used for carburetor cleaning;

(III) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)); and

(IV) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties.

B. After April 1, 2001—

(I) No owner or operator shall operate or allow the operation of any cold cleaner using a cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) unless the cold cleaner is used for carburetor cleaning;

(II) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties, unless the cold cleaning solvent is used for carburetor cleaning;

(III) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)); and

(IV) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties.

C. Each cold cleaner shall have a cover which will prevent the escape of solvent vapors from the solvent bath while in the closed position or an enclosed reservoir which will limit the escape of solvent vapors from the solvent bath whenever parts are not being processed in the cleaner.

D. Exemptions.

(I) Sales of cold cleaning solvents in quantities of five (5) gallons or less shall be exempt from the requirements of parts (3)(B)1.A.(II), (3)(B)1.A.(IV), (3)(B)1.B.(II) and (3)(B)1.B.(IV) of this rule.

(II) The cleaning of electronic components shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(III) Solvent cleaning operations which meet the emission control requirements of 10 CSR 10-5.295, 10 CSR 10-5.330, 10 CSR 10-5.340 or 10 CSR 10-5.442 shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(IV) Cold cleaners using aqueous solvents shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.

(V) Cold cleaners using solvents regulated under any federal National Emission Standard for Hazardous Air Pollutants shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.

(VI) Any cold cleaner with a liquid surface area of one (1) square foot or less or a maximum capacity of one (1) gallon or less shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(VII) The cleaning of medical and optical devices shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(VIII) Air-tight or airless cleaning systems shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule if the following requirements are met:

(a) The equipment is operated in accordance with the manufacturer's specifications and operated with a door or other pressure sealing apparatus that is in place during all cleaning and drying cycles;

(b) All waste solvents are stored in properly identified and sealed containers, and managed in compliance with the Missouri Hazardous Waste Management Commission rules for reference codified at 10 CSR 25, as applicable. All associated pressure relief devices shall not allow liquid solvents to drain out;

(c) Spills during solvent transfer shall be wiped up immediately and managed in compliance with the Missouri Hazardous Waste Commission rules for reference codified at 10 CSR 25, as applicable, and the used wipe rags shall be stored in closed containers; and

(d) A differential pressure gauge shall be installed to indicate the sealed chamber pressure.

(IX) Janitorial and institutional cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(X) Spray gun cleaning. Each owner or operator of a manufacturing and/or rework operation shall clean spray guns used in the application of (and not limited to) primers, paint, specialty coatings, adhesives, sealers, resins and deadeners utilizing one (1) or more of the following techniques:

(a) Enclosed system spray gun cleaning shall consist of forcing solvent through the gun. Spray gun cleaning machines used to clean spray guns with the exception of remote open top spray gun cleaning machines shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Spray guns and nozzles only may be cleaned in remote closed top spray gun cleaning machines containing solvent-based materials capable of cleaning, provided the removable clean and spent solvent containers (not to exceed thirty (30) gallons in size) are kept tightly closed or covered at all times except when being accessed or maintained. All remote spray gun cleaning machines shall be operated within the manufacturer's specifications. All remote closed top spray gun cleaning machines shall not be operated unless the cover is closed and shall be closed or covered when not in use;

(b) Nonatomized cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Spray guns shall be cleaned by placing cleaning solvent in the pressure pot and forcing it through the gun with the atomizing cap in place. No atomizing air is to be used. The cleaning solvent from the spray gun shall be directed into (and not limited to) a pail, bucket, drum, or other waste container that is closed when not in use;

(c) Disassembled spray gun cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Spray guns shall be cleaned by disassembling and cleaning the components by hand in a cold cleaner, which shall remain closed at all times except when in use. Alternatively, the components shall be soaked in a cold cleaner, which shall remain closed during the soaking period and when not inserting or removing components;

(d) Atomizing cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Spray guns shall be cleaned by forcing the cleaning solvent through the gun and directing the resulting atomized spray into a waste container that is fitted with a device designed to capture the atomized cleaning solvent emissions; and

(e) Cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems that can be pro-

grammed to spray into a closed container, shall be exempt from the requirements of part (3)(B)1.D.(X).

E. An owner or operator of a cold cleaner may use an alternate method for reducing cold cleaning emissions if the owner or operator shows the level of emission control is equivalent to or greater than the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule. This alternate method must be approved by the director.

F. When one (1) or more of the following conditions exist, the design of the cover shall be such that it can be easily operated with one (1) hand such that minimal disturbing of the solvent vapors in the tank occurs. (For covers larger than ten (10) square feet, this shall be accomplished by either mechanical assistance such as spring loading or counter weighing or by power systems):

(I) The solvent vapor pressure is greater than 0.3 psi measured at thirty-seven point eight degrees Celsius (37.8°C) (one hundred degrees Fahrenheit (100°F)), such as in mineral spirits;

(II) The solvent is agitated; or

(III) The solvent is heated.

G. Each cold cleaner shall have a drainage facility which will be internal so that parts are enclosed under the cover while draining.

H. If an internal drainage facility cannot fit into the cleaning system and the solvent vapor pressure is less than 0.6 psi measured at thirty-seven point eight degrees Celsius (37.8°C) (one hundred degrees Fahrenheit (100°F)), then the cold cleaner shall have an external drainage facility which provides for the solvent to drain back into the solvent bath.

I. Solvent sprays, if used, shall be a solid fluid stream (not a fine, atomized or shower-type spray) and at a pressure which does not cause splashing above or beyond the freeboard.

J. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

K. Any cold cleaner which uses a solvent that has a solvent vapor pressure greater than 0.6 psi measured at thirty-seven point eight degrees Celsius (37.8°C) (one hundred degrees Fahrenheit (100°F)) or heated above forty-eight point nine degrees Celsius (48.9°C) (one hundred twenty degrees Fahrenheit (120°F)) must use one (1) of the following control devices:

(I) A freeboard ratio of at least 0.75;

(II) Water cover (solvent must be insoluble in and heavier than water); or

(III) Other control systems with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%). These control systems must receive approval from the director prior to their use.

2. Open-top vapor degreasers.

A. Each open-top vapor degreaser shall have a cover which will prevent the escape of solvent vapors from the degreaser while in the closed position and shall be designed to open and close easily with one (1) hand such that minimal disturbing of the solvent vapors in the tank occurs. For covers larger than ten (10) square feet, easy cover use shall be accomplished by either mechanical assistance, such as spring loading or counter weighing or by power systems.

B. Each open-top vapor degreaser shall be equipped with a vapor level safety thermostat with a manual reset which shuts off the heating source when the vapor level rises above the cooling or condensing coil, or an equivalent safety device approved by the director.

C. Each open-top vapor degreaser with an air/vapor interface over ten and three-fourths (10 3/4) square feet shall be equipped with at least one (1) of the following control devices:

(I) A freeboard ratio of at least 0.75;

(II) A refrigerated chiller;

(III) An enclosed design (the cover or door opens only when the dry part actually is entering or exiting the degreaser);

(IV) A carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of air vapor area when the cover is open and exhausting less than twenty-five parts per million (25 ppm) of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

(V) A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.

D. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

E. Exemption. Open-top vapor degreasers using solvents regulated under any federal National Emission Standard for Hazardous Air Pollutants shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.

3. Conveyorized degreasers.

A. Each conveyorized degreaser shall have a drying tunnel or rotating (tumbling) basket or other means demonstrated to have equal to or better control which shall be used to prevent cleaned parts from carrying out solvent liquid or vapor.

B. Each conveyorized degreaser shall have the following safety switches or equivalent safety devices approved by the director which operate if the machine malfunctions:

(I) A vapor level safety thermostat with manual reset which shuts off the heating source when the vapor level rises just above the cooling or condensing coil; and

(II) A spray safety switch, which shuts off the spray pump if the vapor level in the spray chamber drops four inches (4"), for conveyorized degreasers utilizing a spray chamber.

C. Entrances and exits shall silhouette workloads so that the average clearance between parts and the edge of the degreaser opening is less than four inches (4") or less than ten percent (10%) of the width of the opening.

D. Covers shall be provided for closing off the entrance and exit during hours when the degreaser is not being used.

E. A permanent, conspicuous label summarizing the operating procedures shall be affixed to the equipment.

F. If the air/vapor interface is larger than twenty-one and one-half (21 1/2) square feet, one (1) major control device shall be required. This device shall be one (1) of the following:

(I) A refrigerated chiller;

(II) Carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of the total entrance and exit areas (when downtime covers are open) and exhausting less than twenty-five (25) ppm of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

(III) A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.

(C) Operating Procedures.

1. Cold cleaners.

A. Cold cleaner covers shall be closed whenever parts are not being handled in the cleaners or the solvent must drain into an enclosed reservoir except when performing maintenance or collecting solvent samples.

B. Cleaned parts shall be drained in the freeboard area for at least fifteen (15) seconds or until dripping ceases, whichever is longer.

C. Whenever a cold cleaner fails to perform within the operating parameters established for it by this rule, the unit shall be shut down immediately and shall remain shut down until the operator or trained service personnel are able to restore operation within the established parameters.

D. Solvent leaks shall be repaired immediately or the degreaser shall be shut down until the leaks are repaired by the operator or trained service personnel.

E. Any waste material removed from a cold cleaner shall be disposed of by one (1) of the following methods and in accordance with the Missouri Hazardous Waste Management Commission rules for reference codified at 10 CSR 10-25, as applicable:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

F. Waste solvent shall be stored in covered containers only.

2. Open-top vapor degreasers.

A. The cover shall be kept closed at all times except when processing workloads through the degreaser except when performing maintenance or collecting solvent samples.

B. Solvent carry-out shall be minimized in the following ways:

(I) Parts shall be racked, if practical, to allow full drainage;

(II) Parts shall be moved in and out of the degreaser at less than eleven feet (11') per minute;

(III) Workload shall remain in the vapor zone at least thirty (30) seconds or until condensation ceases;

(IV) Pools of solvent shall be removed from cleaned parts before removing parts from the degreaser freeboard area; and

(V) Cleaned parts shall be allowed to dry within the degreaser freeboard area for at least fifteen (15) seconds or until visually dry, whichever is longer.

C. Porous or absorbent materials such as cloth, leather, wood or rope shall not be degreased.

D. If workloads occupy more than half of the degreaser's open-top area, rate of entry and removal shall not exceed five feet (5') per minute.

E. Spray shall never extend above vapor level.

F. Whenever an open-top vapor degreaser fails to perform within the operating parameters established for it by this rule, the unit shall be shut down until the operator or trained service personnel are able to restore operation within the established parameters.

G. Solvent leaks shall be repaired immediately or the degreaser shall be shut down until the leaks are repaired by the operator or trained service personnel.

H. Ventilation exhaust shall not exceed sixty-five (65) cubic feet per minute per square foot of degreaser open area unless proof is submitted that it is necessary to meet Occupational Safety and Health Administration (OSHA) requirements. Fans shall not be used near the degreaser opening.

I. Water shall not be visually detectable in solvent exiting the water separator.

J. Any waste material removed from an open-top vapor degreaser shall be disposed of by one (1) of the following methods or equivalent and in accordance with the Missouri Hazardous Waste Management Commission rules for reference codified at 10 CSR 10-25, as applicable:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

K. Waste solvent shall be stored in closed containers only.

3. Conveyorized degreasers.

A. Ventilation exhaust shall not exceed sixty-five (65) cubic feet per minute per square foot of degreaser opening unless proof is submitted that it is necessary to meet OSHA requirements. Fans shall not be used near the degreaser opening.

B. Solvent carry-out shall be minimized in the following ways:

(I) Parts shall be racked, if practical, to allow full drainage; and

(II) Vertical conveyor speed shall be maintained at less than eleven feet (11') per minute.

C. Whenever a conveyORIZED degreaser fails to perform within the operating parameters established for it by this rule, the unit shall be shut down immediately and shall remain shut down until the operator or trained service personnel are able to restore operation within the established parameters.

D. Solvent leaks shall be repaired immediately or the degreaser shall be shut down until the leaks are repaired by the operator or trained service personnel.

E. Water shall not be visually detectable in solvent exiting the water separator.

F. Covers shall be placed over entrances and exits immediately after conveyor and exhaust are shut down and removed just before they are started up.

G. Waste solvent shall be stored in closed containers only.

H. Any waste material removed from a conveyORIZED degreaser shall be disposed of by one (1) of the following methods or equivalent and in accordance with the Missouri Hazardous Waste Management Commission rules for reference codified at 10 CSR 10-25, as applicable:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

(D) Operator and Supervisor Training.

1. Only persons trained in at least the operational and equipment requirements specified in this rule for their particular solvent metal cleaning process shall be permitted to operate the equipment.

2. The supervisor of any person who operates a solvent metal cleaning process shall receive equal or greater operational training than the operator.

3. Refresher training shall be given to all solvent metal cleaning equipment operators at least once each twelve (12) months.

4. Training records shall be maintained per subsections (4)(D) and (4)(E) of this rule.

5. Operator and supervisor personnel training and record keeping is exempt for spray gun cleaning operations that are regulated by 10 CSR 10-5.295 Control of Emissions From Aerospace Manufacturing and Rework.

(4) Reporting and Record Keeping.

(D) A record shall be kept of solvent metal cleaning training for each employee except per paragraph (3)(D)5.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.060 Construction Permits Required is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 1974-1975). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received two comments during the public comment period. One comment was from the Missouri Pork Producers Association during the public hearing and the other was a written comment from the Department of Agriculture. Both comments were in support of the proposed language changes.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.065 Operating Permits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 1975-1976). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received two comments during the public comment period. One comment was from the Missouri Pork Producers Association during the public hearing and the other was a written comment from the Department of Agriculture. Both comments were in support of the proposed language changes.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 6—Permits

ORDER OF RULEMAKING

By the authority vested in the Missouri Clean Water Commission under section 644.026, RSMo 2000, the commission amends a rule as follows:

10 CSR 20-6.200 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 1976-1991). Changes have been made in the text of the proposed amendment and are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Natural Resources received several comments on the proposed amendment to 10 CSR 20-6.200.

COMMENT: A request was made to create an automatic waiver for communities with less than 1,000 in population. The commenter stated that the automatic waiver should be allowed because the majority of these small communities do not have the financial resources or the technical expertise to prove eligibility for the waiver requirements. Also, these communities only cover a small geographic area and do not usually pose serious water quality problems.

RESPONSE AND EXPLANATION OF CHANGE: The state agrees with the comment and will add language to exclude communities that have less than 1,000 in population from needing a permit unless designated as a regulated MS4 by the department. The rule will retain the language that allows the state to require a permit from these communities should the department determine that the criteria for a waiver are not being met. Consistent with the federal rules, an application for a permit would be required within 180 days after a community has been notified (or designated) as a regulated municipal separate storm sewer system.

COMMENT: A request was made for the use of Permit-by-Rule as the means to establish permit coverage for the small MS4s. The use of Application Form E for permitting small MS4s was questioned and it was recommended that a new form be developed for accepting applications for small MS4s.

RESPONSE: The Missouri statutes allow for the use of Permit-by-Rule. The use of this permitting method would be beneficial toward reducing the regulatory burden on both the applicant and the state. However, the state does not believe that the requirements of the Phase II program could be satisfied by this approach. A Permit-by-Rule would only be effective where standard conditions can be developed for all participating municipalities. The cities must develop specific storm water management plans for implementing the six minimum control measures and for measuring progress in each municipality. The department must have a role in reviewing and approving these plans. Permit-by-Rule does not allow for this type of interaction. As an alternative that should streamline the issuance of permits, the state is developing a general permit that requires the submittal and approval of the requisite plan before a permit is issued. Once the plan is approved, the general permit can be promptly issued.

Form E contains essential information on the type of permit requested, name and address of the applicant, location of the proposed discharges and other information needed to determine whether or not the type of permit requested is appropriate for the proposed discharge. While Form E must be used, the department recognizes the differences between the permitting requirements of Phase I and Phase II of the storm water program and does not intend to require the same amount of information for both phases. A new form for Phase II may be developed to guide applicants on developing a Phase II storm water management plan that satisfactorily addresses the required six minimum control measures and presents the city's schedule for the plan's implementation.

COMMENT: One person testified in support of the rulemaking and requested the commission adopt the proposed amendment.

RESPONSE: The department recommends the adoption of the proposed amendment with the changes identified above.

COMMENT: One comment requested an increase to the width of the area allowed to be disturbed during trenching activities.

RESPONSE: Current rules allow for an exemption from a permit if trenching does not disturb an area of more than two feet in width. Staff believes the current exemption is appropriate and should be retained in the rule. No change will be made as no evidence was presented as to why the additional width would be justified.

COMMENT: A comment was made regarding (1)(A) "All persons...point sources and" the word "and" should be changed to "or."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and will make this change.

COMMENT: (1)(C)15.A.-D. should not have been deleted.

RESPONSE AND EXPLANATION OF CHANGE: (1)(C)16. is a definition of municipal separate storm sewer system. (1)(C)15.A.-D. should not have been deleted from the rule and staff will restore this language.

10 CSR 20-6.200 Storm Water Regulations

(1) Storm Water Permits—General

(A) All persons who operate, use, maintain existing storm water point sources or who disturb land that would result in a storm water point source shall apply to the department for the permits required by the Missouri Clean Water Law and these regulations. A permit must be obtained before beginning any new construction related to the above activities. The department issues these permits in order to enforce the Missouri Clean Water Law and regulations and administer the state operating permit program.

(B) Nothing shall prevent the department from taking action, including the requirement for issuance of any permits under the Missouri Clean Water Law and regulations, if any of the operations exempted should cause pollution of waters of the state or otherwise violate the Missouri Clean Water Law or these regulations. The following are exempt from storm water permit regulations:

1. Discharges from facilities or activities excluded from the state operating permit program under 10 CSR 20-6.010(1)(B);

2. Areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from permitted areas;

3. *De minimis* discharges as defined by the department in general permits or by the Clean Water Commission;

4. Recycling collection points which are covered in a manner which prevents contact with storm water, including run on;

5. Farmlands, domestic gardens or lands used for sludge management where domestic sludge is beneficially reused and which are not physically located in the confines of the facility producing the sludge;

6. Agricultural storm water discharges and irrigation return flows;

7. Sites that disturb less than one (1) acre of total land area which are not part of a common plan or sale. Land disturbance activity on an individual residential building lot is not considered as part of the overall subdivision unless the activity is by the developer to improve the lot for sale;

8. Linear, strip or ribbon construction or maintenance operations meeting one (1) of the following criteria:

A. Grading of existing dirt or gravel roads which does not increase the runoff coefficient and the addition of an impermeable surface over an existing dirt or gravel road;

B. Cleaning or routine maintenance of roadside ditches, sewers, waterlines, pipelines, utility lines or similar facilities;

C. Trenches two (2') feet in width or less; or

D. Emergency repair or replacement of existing facilities as long as best management practices are employed during the emergency repair;

9. Mowing, brush hog clearing, tree cutting or similar activities which do not grade, dig, excavate or otherwise remove or kill the surface growth and root system of the ground cover;

10. Landfills which have received Missouri Department of Natural Resources approval to close and which are in compliance with any post-closure monitoring, management requirements and

deed restrictions, unless the department determines the facility is a significant discharger of storm water related pollutants;

11. Facilities built to control the release of only storm water are not subject to the construction permitting requirement of 10 CSR 20-6.010(4), provided that the storm water does not come in contact with process waste, process wastewater or significant materials, and the storm water is not a significant contributor of pollutants;

12. The department may waive permit coverage if a municipal separate storm sewer system (MS4) serves a population of one thousand (1,000) or more within an urbanized area and the discharges meet the following criteria:

A. The discharges are not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the department's storm water program; and

B. If the discharge includes any pollutant(s) that have been identified as a cause of impairment of any water body to which it flows and storm water controls are not needed based on wasteload allocations that are part of a U.S. Environmental Protection Agency (EPA) approved or established total maximum daily load (TMDL) that addresses the pollutant(s) of concern;

13. The department may waive permit coverage if a MS4 serves a population of ten thousand (10,000) or more and the discharges meet the following criteria:

A. The department has evaluated all waters of the state, including small streams, tributaries, lakes, and ponds, that receive a discharge from the MS4;

B. For all such waters, the department has determined that storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established TMDL that addresses the pollutant(s) of concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern;

C. For the purpose of this paragraph, the pollutant(s) of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that receives a discharge from a MS4; and

D. The department has determined that future discharges from a MS4 do not have the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts;

14. A regulated small MS4, may share the responsibility under the following:

A. A MS4 may develop an agreement with another entity to assist with satisfying the National Pollutant Discharge Elimination System (NPDES) permit obligations or with implementing a minimum control measure if:

(I) The other entity currently implements the control measure;

(II) The particular control measure, or component thereof, is at least as stringent as the corresponding permit requirement; and

(III) A MS4 that relies on another entity to satisfy some of the permit obligations specifies the condition of the agreement, including a description of the obligations implemented by the other entity. The permitted MS4 remains ultimately responsible for compliance with the permit obligations if the other entity fails to implement the control measure (or component thereof);

B. In some cases, the department may recognize, either in an individual permit or in a general permit that another governmental entity is responsible under a permit for implementing one or more of the minimum control measures for a small MS4. Where the department recognizes these dual responsibilities, the department may not require the MS4 to include such minimum control measure(s) in their program. The MS4 permit may be modified to

include the requirement to implement a minimum control measure if the other entity fails to implement it;

15. The director may waive the otherwise applicable requirements in a general permit for a storm water discharge from construction activities that disturb less than five (5) acres, but more than one (1) acre, where:

A. The value of the rainfall erosivity factor R in the Revised Universal Soil Loss Equation is less than five (5) during the period of construction activity. The rainfall erosivity factor is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Universal Soil Loss Equation (RUSLE), pages 21-64, dated January 1997, which is incorporated in this rule by reference. Copies may be obtained from EPA's Water Resource Center, Mail Code RC4100, 401 M Street S.W., Washington, DC 20460. An operator must certify to the director that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five (5); or

B. A TMDL approved or established by the department or by the EPA that addresses the pollutant(s) of concern without the need for storm water controls;

C. Waste load allocations are not needed on non-impaired waters to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of paragraphs (1)(B)15.B. and C. of this rule, the pollutant(s) of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause or a potential cause of impairment of any water body that will receive a discharge from the construction activity. The operator must certify to the department that the construction activity will take place, and that storm water discharges will occur, within the drainage area addressed by the TMDL or by an equivalent analysis; and

16. A storm water permit under this rule may be excluded for industrial activities that do not expose materials to storm water. No exposure exists if the industrial materials and activities are protected from rain, snow, snowmelt and/or runoff and the operator meets the requirements under parts A.(I) through B.(III) of this paragraph.

A. Industrial materials and activities protected by storm resistant shelter. No exposure means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. To qualify a permit exclusion under this paragraph, the operator of the discharge must:

(I) Provide a storm resistant shelter to protect industrial materials and activities from exposure to rain, snow, snowmelt, and runoff;

(II) Complete and sign a certification that storm water is not contaminated by exposure to industrial materials and activities from the entire facility, except as provided in paragraph (1)(A)2. of this rule;

(III) Resubmit the signed certification to the department once every five (5) years;

(IV) Allow the department to inspect the facility to determine compliance with the no-exposure conditions;

(V) Make the no-exposure inspection reports available to the public upon request; and

(VI) For facilities that discharge through a MS4, submit a copy of the certification of no-exposure to the MS4 operator, as well as allow inspection and public reporting of the inspection findings by the MS4 operator.

B. Industrial materials and activities not requiring storm resistant shelter. An industrial site may qualify for this exclusion without a storm resistant shelter if:

(I) Drums, barrels, tanks, and similar containers are tightly sealed, provided those containers are not deteriorated and do not leak. Sealed means banded or otherwise secured and without operational taps or valves;

(II) Adequately maintained vehicles are used in material handling; and

(III) All industrial materials consist of final products, other than products that would be mobilized by storm water.

(C) Definitions.

1. Best management practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

2. BMPs for land disturbance. A schedule of activities, practices or procedures that reduces the amount of soil available for transport or a device that reduces the amount of suspended solids in runoff before discharge to waters of the state. Types of BMPs for storm water control include, but are not limited to:

A. State-approved standard specifications and permit programs;

B. Employee training in erosion control, material handling and storage and housekeeping of maintenance areas;

C. Site preparation such as grading, surface roughening, topsoiling, tree preservation and protection, and temporary construction entrances;

D. Surface stabilization such as temporary seeding, permanent seeding, mulching, sodding, ground cover including vines and shrubs, riprap and geotextile fabric. Mulches may be hay, straw, fiber mats, netting, wood cellulose, corn or tobacco stalks, bark, corn cobs, wood chips or other suitable material which is reasonably clean and free of noxious weeds and deleterious materials. Grasses used for temporary seeding shall be a quick growing species such as rye grass, Italian rye grass or cereal grasses suitable to the area and which will not compete with the grasses sown later for permanent cover;

E. Runoff control measures such as temporary diversion dikes or berms, permanent diversion dikes or berms, right-of-way or perimeter diversion devices, and retention and detention basins. Sediment traps and barriers, sediment basins, sediment (silt) fence and staked straw bale barriers;

F. Runoff conveyance measures such as grass-lined channels, riprap and paved channels, temporary slope drains, paved flumes or chutes. Slope drains may be constructed of pipe, fiber mats, rubble, Portland cement concrete, bituminous concrete, plastic sheets or other materials that adequately will control erosion;

G. Inlet and outlet protection;

H. Streambank protection such as a vegetative greenbelt between the land disturbance and the watercourse. Also, structural protection which stabilizes the stream channel;

I. A critical path method analysis or a schedule for performing erosion control measures; and

J. Other proven methods for controlling runoff and sedimentation;

3. Copetitioner. A person with apportioned legal, financial and administrative responsibility based on land area under its control for filing Part 1 and Part 2 of a state operating permit for the discharge of storm water from municipal separate storm sewer systems. A copetitioner becomes a copermittee once the permit is issued.

4. Copermittee. A permittee to a state operating permit that is responsible only for permit conditions relating to the discharge for which it is owner or operator, or both.

5. *De minimis* water contaminant source. A water contaminant source, point source or wastewater treatment facility that is determined by the department to pose a negligible potential impact on waters of the state even in the event of the malfunction of wastewater treatment controls or material handling procedures.

6. Field screening point. A specific location which during monitoring will provide representative information to indicate the presence of illicit connections or illegal dumping and quality of water within a municipal separate storm sewer system.

7. Illicit discharge. Any discharge to a municipal separate storm sewer that is not composed entirely of storm water, except discharges pursuant to a state operating permit, other than storm water discharge permits and discharges from fire fighting activities.

8. Incorporated place (in Missouri, a municipality). A city, town or village that is incorporated under the laws of Missouri.

9. Landfill. Location where waste materials are deposited on or buried within the soil or subsoil. Included are open dumps and landfills built or operated, or both, prior to the passage of the Missouri Solid Waste Management Law as well as those built or operated, or both, since.

10. Large municipal separate storm sewer system. All municipal separate storm sewers that are either—

A. Located in an incorporated place with a population of two hundred fifty thousand (250,000) or more;

B. Located in the counties designated by the director as unincorporated places with significant urbanization and identified systems of municipal separate storm sewers;

C. Owned and operated by a municipality other than those described in subparagraph (1)(C)10.A. of this rule that are designated by the director as part of a system. In making this determination, the director may consider the following factors:

(I) Physical interconnections between the municipal separate storm sewers;

(II) The location of discharges from the designated municipal storm sewer relative to the discharges from municipal separate storm sewer described in subparagraph (1)(C)10.A. of this rule;

(III) The quantity and nature of pollutants discharged to the waters of the state;

(IV) The nature of the receiving waters; or

(V) Other relevant factors; and

D. The director, upon petition, may designate as a large municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed or other appropriate basis that includes one (1) or more of the systems described in subparagraph (1)(C)10.A. of this rule.

11. MS4 means:

A. A municipal separate storm sewer system.

12. Major municipal separate storm sewer system outfall (major outfall). A municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of thirty-six inches (36") or more (or its equivalent) or for municipal separate storm sewers that receive storm waters from lands zoned for industrial activity within the municipal separate storm sewer system with an outfall that discharges from a single pipe with an inside diameter of twelve inches (12") or more (or from its equivalent). Industrial activity areas do not include commercial areas.

13. Major outfall. A major municipal separate storm sewer outfall.

14. Major structural controls. Man-made retention basins, detention basins, major infiltration devices or other structures designed and operated for the purpose of containing storm water discharges from an area greater than or equal to fifty (50) acres.

15. Medium municipal separate storm sewer system. All municipal separate storm sewers that are either—

A. Located in an incorporated place with a population of one hundred thousand (100,000) or more but less than two hundred fifty thousand (250,000), as determined by the latest decennial census by the Bureau of Census; or

B. Owned and operated by a municipality other than those described in subparagraph (1)(C)15.A. of this rule and that are designated by the director as part of the system. In making this determination, the director may consider the following factors:

(I) Physical interconnections between the municipal separate storm sewers;

(II) The locations of discharges from the designated municipal separate storm sewer relative to discharges from the municipal separate storm sewers described in subparagraph (1)(C)15.A. of this rule;

(III) The quantity and nature of pollutants discharged to waters of the state;

(IV) The nature of the receiving waters;

(V) Other relevant factors; or

(VI) The director, upon petition, may designate as a medium municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional watershed, or other appropriate basis that includes one (1) or more of the systems described in subparagraph (1)(C)15.A. of this rule.

16. Municipal separate storm sewer means a conveyance or system of conveyances including roads and highways with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, paved or unpaved channels or storm drains designated and utilized for routing of storm water which—

A. Does not include any waters of the state as defined in this rule;

B. Is contained within the municipal corporate limits or is owned and operated by the state, city, town, village, county, district, association or other public body created by or pursuant to the laws of Missouri having jurisdiction over disposal of sewage, industrial waste, storm water or other liquid wastes;

C. Is not a part or portion of a combined sewer system;

D. Is not a part of a publicly owned treatment works as defined in 40 CFR 122.2; and

E. Sewers that are defined as large or medium or small municipal separate storm sewer systems pursuant to paragraphs 10., 15., and 28. of this section, or designated under subsection (1)(B) of this rule.

17. Operator. The owner, or an agent of the owner, of a separate storm sewer with responsibility for operating and maintaining the effectiveness of the system.

18. Outfall. A point source as defined by 10 CSR 20-2.010 at the point where a municipal separate storm sewer discharges and does not include open conveyances connecting two (2) municipal separate storm sewers, pipes, tunnels or other conveyances which connect segments of waters of the state and are used to convey waters of the state.

19. Overburden. Any material of any nature consolidated or unconsolidated that overlays a mineral deposit excluding topsoil or similar naturally occurring surface materials that are not disturbed by mining operations.

20. Owner. A person who owns and controls the use, operation and maintenance of a separate storm sewer.

21. Process wastewater. Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

22. Receiving waters. Waters of the state as defined in this rule.

23. Recycling facilities. Locations where metals, paper, tires, glass, organic materials, used oils, spent solvents or other materials are collected for reuse, reprocessing or resale.

24. Regulated MS4 means:

A. A MS4 which serves a population of one thousand (1,000) or more within an urbanized area, or a MS4 which serves a population of ten thousand (10,000) or more elsewhere in the state.

B. A MS4 which is designated by the department when it is determined that the discharges from the MS4 have caused or have the potential to cause an adverse impact on water quality. An application shall be submitted within one hundred eighty (180) days of the designation by the department.

25. Runoff coefficient. The fraction of total rainfall that will appear at a conveyance as runoff.

26. Significant contributor of pollutants. A person who discharges or causes the discharge of pollutants in storm water which can cause water quality standards of the waters of the state to be violated.

27. Significant material or activity associated with industrial activity.

A. For the categories of industries identified in subsections (2)(A)–(D) of this rule, the term includes, but is not limited to, storm water discharged from industrial plant yards, immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material or by-products used or created by the facility.

B. Significant materials include, but are not limited to, raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation, Liability Act of 1980 (CERCLA); any chemical the facility is required to report pursuant to Section 313 of Title III of Superfund Amendments & Reauthorization Act of 1986 (SARA); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

C. Material received in drums, totes or other secure containers or packages which prevent contact with storm water, including run on, are exempted from the significant materials classification until the container has been opened for any reason. If the container is moved into a building or other protected area prior to opening, it will not become a significant material.

D. Empty containers which have been properly triple rinsed are not significant materials.

28. Small construction activity means:

A. Construction activities including clearing, grading and excavating that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

B. Any other construction activity designated by the department, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the United States.

29. Small municipal separate storm sewer system means:

A. Owned or operated by the United States, a state, city, town, borough, county, parish, district, association or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section

208 of the Clean Water Act (CWA) that discharges to water of the United States.

B. Not defined as large or medium municipal separate storm sewer systems pursuant to paragraphs 10. and 15. of this subsection.

C. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as around individual buildings.

30. Small MS4 means:

A. A small municipal separate storm sewer system.

31. Storm water means storm water runoff, snowmelt runoff and surface runoff, and drainage.

32. Storm water discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw material storage areas at an industrial plant.

33. Waters of the state, as it applies to large and medium municipalities under this regulation, means all waters listed as L1, L2 and L3 in Table G and P, P1 and C in Table H of 10 CSR 20-7.031.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805 and 313.807, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-4.030 Application for Class A License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2297). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805 and 313.810, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-4.200 Supplier's License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2297-2298). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.800, 313.805, 313.807 and 313.812, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-4.205 Affiliate Supplier's License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2298). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.805, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-4.260 Occupational Licenses is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2298). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-30.190 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2001 (26 MoReg 2106). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on December 11, 2001, and the public comment period ended December 1, 2001. At the public hearing, the Missouri Gaming Commission staff explained the new rule and five (5) comments were made.

COMMENT: Linda Bennett, CPS with the VFW Auxiliary 280 in Columbia, Missouri stated that she opposes the amendment. She feels that this will create a situation whereby it will prohibit bingo games from starting at 10:00 a.m. She also feels that this rule conflicts with the statute.

RESPONSE AND EXPLANATION OF CHANGE: The commission proposes to amend this rule to facilitate bingo games starting at 10 a.m.

COMMENT: Enola Ziebol from the Catholic Kolping Society in St. Louis, Missouri strongly opposes the amendment because moving the time to 10:00 a.m. would make it difficult for the elderly and prevent younger players who have school children from playing because the children must be picked up by 3:00 p.m.

RESPONSE AND EXPLANATION OF CHANGE: The commission proposes to amend this rule to facilitate bingo games starting at 10 a.m.

COMMENT: Doris J. Geldbach, Auxiliary Bingo Finance Officer, Amvets Post #48 Ladies Auxiliary, Desoto, Missouri suggested that the amendment be changed to state that the first bingo number could not be called prior to 10:00 a.m. Their game currently starts at 10:45 a.m. with the doors opening at 9:00 a.m. Allowing the organization to sell paper prior to 10:00 a.m. would help the older senior citizens and young mothers to get out of the hall prior to 3:00 p.m.

RESPONSE AND EXPLANATION OF CHANGE: The commission proposes to amend this rule so as to allow the organizations to sell bingo paper before 10 a.m.

COMMENT: Mary L. Lopinot, Vice President, Cardonlet Area Programs, Inc. (CAPS) of St. Louis, Missouri states that this change could limit the number of players and believes that the cost would be more than \$500 as was stated in the proposed amendment fiscal note. She believes that only twenty players down could cost at least \$700 each session, which would cost approximately \$35,000 annually.

RESPONSE: The commission takes exception to this comment.

COMMENT: W.T. Dawson, lobbyist, representing the Association of Charitable Games of Missouri (ACGM), testified that his members oppose the amendment. Stated that the amendment appears to be in conflict with section 313.040(14), RSMo, and rule 11 CSR 45-30.355. He believes that the amendment restricting the selling of bingo paper and pull tabs prior to 10 a.m. does not allow the charities to conduct their game beginning at 10 a.m. as allowed in section 313.040(14), RSMo.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT: Mike Bockoff, President of ACGM, submitted petitions from the members of his association opposing the amendment.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT: Linda Bennett, Bingo Chairman, Boone County Auxiliary Post 280, opposes the amendment. She believes that charitable bingo should be assisted rather than being regulated out of business.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT: Bob Hughes representing Hall Provider 171 in South St. Louis County, stated that allowing sales of paper and pull tabs prior to 10 a.m. allows the charities to complete the morning bingo games prior to 2 or 2:30 p.m. which allows seniors and mothers of school children to play during the day.

RESPONSE AND EXPLANATION OF CHANGE: The commission proposes to amend this rule so as to facilitate the morning bingo games prior to 2 p.m. as desired by the organization members.

11 CSR 45-30.190 Rules of Play

(1) Except for pull tab games, a bingo game begins with the first letter and number drawn (called). Bingo paper may be sold no more than two (2) hours prior to the start of the first bingo game, however, no pull tab sales may start before 10:00 a.m. The paper and/or pull tab sales time must be clearly posted in the licensee's house or game rules. All bingo paper and/or pull tabs must be sold by approved workers and sales times are subject to approval by the commission.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 30—Bingo

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-30.395 Manufacturer Record Keeping Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2001 (26 MoReg 2106). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on December 11, 2001, and the public comment period ended December 1, 2001. At the public hearing the Missouri Gaming Commission staff explained the proposed amendment. One (1) comment was received.

COMMENT: John H. Adams, Vice President and General Counsel of International Gameco, Inc. stated that he supports the proposed change and agrees with the language in the proposed amendment.

RESPONSE: No changes have been made to the proposed amendment.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 30—Bingo

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-30.525 Supplier Record Keeping Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2001 (26 MoReg 2106-2107). No changes have been made in the text of the proposed amendment, so it is not reprinted

here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held December 11, 2001, and the public comment period ended December 1, 2001. At the public hearing the Missouri Gaming Commission staff explained the proposed amendment. One (1) comment was received.

COMMENT: Torry Turlin, Exalted Rule, B.P.O.E. Lodge #2701 in Perryville, Missouri stated that he supports the proposed changes to the amendment. It appears that the amendment would allow a local business to conduct a "free" bingo game for Christmas.

RESPONSE: No changes have been made to the proposed amendment.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Division of Medical Services, under sections 208.153, 208.159, and 208.201, RSMo 2000, the department amends a rule as follows:

13 CSR 70-10.050 Pediatric Nursing Care Plan **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2409–2414). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000, the director withdraws a proposed amendment as follows:

13 CSR 70-20.031 List of Excludable Drugs for Which Prior Authorization is Required is **withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 2016–2017). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The Division of Medical Services received six (6) comments on this proposed amendment. Four (4) comments were received at the November 27, 2001 public hearing. Comments were generally against the proposed amendment. RESPONSE: As a result, the Division of Medical Services is withdrawing this proposed amendment at this time.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.152, 208.153 and 208.201, RSMo 2000, the director withdraws a proposed amendment as follows:

13 CSR 70-20.034 List of Non-Excludable Drugs for Which Prior Authorization is Required is **withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 2018–2019). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The Division of Medical Services received forty (40) comments on this proposed amendment. Six (6) comments were received at the November 27, 2001 public hearing. Comments were generally against the proposed amendment. RESPONSE: As a result, the Division of Medical Services is withdrawing this proposed amendment at this time.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 100—Division of Credit Unions

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Gateway Metro Credit Union 1001 Pine Street St. Louis, MO 63101	Residents and employees in the Missouri Counties of St. Louis and St. Charles.

NOTICE TO SUBMIT COMMENTS: *Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten (10) business days after publication of this notice in the Missouri Register.*

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 100—Division of Credit Unions

**ACTIONS TAKEN ON
APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
J C Federal Employees Credit Union 131 West High Jefferson City, MO 65102	Family members of members

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission**

IN ADDITION

CONCENTRATED ANIMAL FEEDING OPERATIONS

The Missouri Air Conservation Commission met December 6, 2001 and discussed concerns with one of the standards in the state's odor rules. The affected rules are 10 CSR 10-2.070, 10 CSR 10-3.090, 10 CSR 10-4.070, and 10 CSR 10-5.160. These rules establish odor standards for Class 1A concentrated animal feeding operations. Compliance with the odor standard is determined by an olfactory panel that is a group of people who characterize the odor for its concentration and intensity.

Air sample data collected by the Missouri Department of Natural Resources indicated that one standard of the rule, the detection threshold standard, is too rigorous. The commission recommended that the department not issue violations on this particular standard until the detection threshold level can be researched and this issue resolved. Other requirements of the odor rules, such as the odor control plans and the n-butanol, odor intensity standard, remain unaffected by the commission's decision.

The department will conduct additional research and determine what additional action must be taken to resolve the concerns with this rule standard. Actions taken will include contacting involved parties prior to revising the rules. Resulting rule revisions to correct the detection threshold standard are expected to be effective by early next year.

For questions or comments concerning the rules, contact the department's Air Pollution Control Program in writing at PO Box 176, Jefferson City, MO 65102-0176, by phone at (573) 751-4817 or by fax at (573) 751-2706.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 6—Permits**

IN ADDITION

A proposed amendment for this rule was published in the October 15, 2001 *Missouri Register* (26 MoReg 1976-1987). The following error occurred due to an oversight. The word "classification" in subparagraph (2)(B)3.C. was not printed in bold face type. For clarification, the affected portion of this subparagraph is reprinted here. Additionally, subparagraphs (5)(A)6.A.-C. should have been printed as (5)(A)6.A., subsection (B) and paragraphs (C)1. and 2. An order of rulemaking for this rule is published in this issue of the *Missouri Register*.

10 CSR 20-6.200 Storm Water Regulations

(2)(B)3.C. Facilities involved in the recycling of materials including metal scrap yards, battery re-claimers, salvage yards and automobile junk yards, including those with a SIC classification of 5015 and 5093;

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST **Shaw Place LLC**, a Missouri Limited Liability Company.

On March 8, 2002, **Shaw Place LLC**, a Missouri Limited Liability Company, filed its notice of winding up with the Missouri Secretary of State.

Dissolution was effective on March 8, 2002.

Said limited liability company requests that all persons and organizations with claims against it present them immediately by letter to the limited liability company at:

Shaw Place LLC
7925 Forsyth Blvd.
St. Louis, MO 63105

All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim; and the dates(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of **Shaw Place LLC**, any claims against it will be barred unless proceeding to enforce the claim is commenced within three years after the publication date of the notice authorized by statute.

Authorized Representative: Dennis Norman

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B1E02251 Equipment: Wire Storage Cages 4/15/02;
B3E02140 Janitorial Services 4/15/02;
B3E02174 Trash Collection Services 4/15/02;
B3Z02150 Commercial Advertising Program 4/15/02;
B1E02265 Steel Tubing & Rods 4/16/02;
B3Z02184 Water System Security Training 4/16/02;
B1E02266 Steel Products 4/17/02;
B1E02272 Building Supplies-Kansas City 4/17/02;
B1E02267 Bakery Products 4/18/02;
B3Z02168 Strategic Plan-Tobacco Use Prevention & Control 4/18/02;
B3Z02169 Public Education Campaign-Occupant Protection 4/19/02;
B1E02257 Automated Headspace Samplers 4/22/02;
B3Z02141 MC+ Health Benefits Manager 4/22/02;
B1E02202 Vests: Ballistic Protection NIJ Level II 4/23/02;
B1Z02260 Meats: June 4/23/02;
B2Z02058 Campground Reservation System 4/23/02;
B2Z02059 De-Duplication Software & Maintenance 4/23/02;
B2Z02060 Equipment Technology Consortium (ETC) 4/23/02;
B3Z02185 Personal Care Assessment Services 4/23/02;
B3Z02142 Enhanced Medicaid Pharmacy Program 4/25/02;
B3E02194 Training Site & Meals 4/26/02;
B3E02193 Janitorial Services 4/29/02;
B2Z02062 Maintenance For U.F.O.S. 4/30/02;
B3E02171 Banking Services 5/1/02;
B3E02177 Parent Advisor 5/2/02;
B1Z02187 Maintenance Service: Mailing Equipment 5/6/02.

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

- 1.) Microstation Software & Maintenance Support, supplied by Bentley Systems, Inc.
- 2.) Versata Software Certified Training, supplied by Versata Software.

Stage II Vapor Recovery Consulting Services, supplied by Remote Sensing= Air, Inc.

- 1.) Under Vehicle Inspection System, supplied by Law Enforcement Associates.
- 2.) Program Evaluation: Missouri Arthritis & Osteoporosis Program and Diabetes Control Program, supplied by St. Louis University Health Sciences Center.
- 3.) Over-The-Counter (OTC) Drivers License System Integration/Conversion Services, supplied by Keane Federal Systems.
- 4.) Upgrade to Remittance Processing System, supplied by Unisys Corporation.

James Miluski, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—25 (2000), 26 (2001) and 27 (2002). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				25 MoReg 2478
1 CSR 50-3.010	Missouri Ethics Commission	26 MoReg 2219		27 MoReg 413	27 MoReg 189
DEPARTMENT OF AGRICULTURE					
2 CSR 10-5.010	Market Development	26 MoReg 1305R			
	.....	26 MoReg 1305			
2 CSR 10-5.015	Market Development	26 MoReg 2217	27 MoReg 451		
2 CSR 30-2.010	Animal Health	26 MoReg 2257	26 MoReg 2263		
2 CSR 30-2.040	Animal Health	26 MoReg 2257	26 MoReg 2265		
2 CSR 30-6.020	Animal Health	26 MoReg 2258	26 MoReg 2267		
2 CSR 80-5.010	State Milk Board		27 MoReg 396		
2 CSR 90-10.012	Weights and Measures		27 MoReg 7		
2 CSR 90-10.013	Weights and Measures		27 MoReg 9		
2 CSR 90-10.020	Weights and Measures		27 MoReg 9		
2 CSR 90-10.040	Weights and Measures		27 MoReg 11		
2 CSR 90-20.040	Weights and Measures		27 MoReg 454		
2 CSR 90-22.140	Weights and Measures		27 MoReg 454		
2 CSR 90-23.010	Weights and Measures		27 MoReg 454		
2 CSR 90-25.010	Weights and Measures		27 MoReg 455		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.111	Conservation Commission	27 MoReg 226		This Issue	
3 CSR 10-5.550	Conservation Commission	27 MoReg 455			
3 CSR 10-5.551	Conservation Commission	27 MoReg 456			
3 CSR 10-9.353	Conservation Commission	27 MoReg 547	27 MoReg 552		
3 CSR 10-9.565	Conservation Commission	27 MoReg 548	27 MoReg 553		
3 CSR 10-9.566	Conservation Commission	27 MoReg 549	27 MoReg 554		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 10-2.022	Missouri State Board of Accountancy	26 MoReg 2345	26 MoReg 2348		
4 CSR 10-2.041	Missouri State Board of Accountancy	26 MoReg 2346	26 MoReg 2352		
4 CSR 10-2.061	Missouri State Board of Accountancy	26 MoReg 2346	26 MoReg 2352		
4 CSR 10-2.160	Missouri State Board of Accountancy	26 MoReg 1501	26 MoReg 2353		
4 CSR 30-3.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2075	27 MoReg 493	
4 CSR 30-3.030	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2076	27 MoReg 493	
4 CSR 30-3.040	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2077	27 MoReg 493	
4 CSR 30-4.080	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2078R	27 MoReg 494R	
	.....		26 MoReg 2078	27 MoReg 494	
4 CSR 30-5.105	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2269		
4 CSR 30-5.110	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2269R		
	.....		26 MoReg 2270		
4 CSR 30-5.120	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2083R	27 MoReg 494R	
	.....		26 MoReg 2083	27 MoReg 494	
4 CSR 30-5.130	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2083R	27 MoReg 494R	
	.....		26 MoReg 2083	27 MoReg 495	
4 CSR 30-11.015	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2270		
4 CSR 40-1.010	Office of Athletics		26 MoReg 2354R	This IssueR	
4 CSR 40-1.021	Office of Athletics		26 MoReg 2354R	This IssueR	
	.....		26 MoReg 2354	This Issue	
4 CSR 40-1.030	Office of Athletics		26 MoReg 2355R	This IssueR	
4 CSR 40-1.031	Office of Athletics		26 MoReg 2355R	This IssueR	
4 CSR 40-2.011	Office of Athletics		26 MoReg 2356R	This IssueR	
	.....		26 MoReg 2356	This Issue	
4 CSR 40-2.021	Office of Athletics		26 MoReg 2365R	This IssueR	
	.....		26 MoReg 2365	This Issue	
4 CSR 40-3.011	Office of Athletics		26 MoReg 2369R	This IssueR	
	.....		26 MoReg 2369	This Issue	
4 CSR 40-4.015	Office of Athletics		26 MoReg 2372R	This IssueR	
	.....		26 MoReg 2372	This Issue	
4 CSR 40-4.020	Office of Athletics		26 MoReg 2376R	This IssueR	
	.....		26 MoReg 2376	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 40-4.030	Office of Athletics		26 MoReg 2376R	This IssueR	
4 CSR 40-4.040	Office of Athletics		26 MoReg 2377	This Issue	
			26 MoReg 2382R	This IssueR	
4 CSR 40-4.050	Office of Athletics		26 MoReg 2382	This Issue	
			26 MoReg 2384R	This IssueR	
4 CSR 40-4.060	Office of Athletics		26 MoReg 2384	This Issue	
4 CSR 40-4.070	Office of Athletics		26 MoReg 2387	This Issue	
4 CSR 40-4.080	Office of Athletics		26 MoReg 2387	This Issue	
			26 MoReg 2388R	This IssueR	
			26 MoReg 2388	This Issue	
4 CSR 40-4.090	Office of Athletics		26 MoReg 2392	This Issue	
4 CSR 40-5.010	Office of Athletics		26 MoReg 2392	This Issue	
4 CSR 40-5.030	Office of Athletics		26 MoReg 2395R	This IssueR	
			26 MoReg 2395	This Issue	
4 CSR 40-5.040	Office of Athletics		26 MoReg 2398R	This IssueR	
			26 MoReg 2398	This Issue	
4 CSR 40-5.050	Office of Athletics		26 MoReg 2400R	This IssueR	
4 CSR 40-5.060	Office of Athletics		26 MoReg 2400R	This IssueR	
			26 MoReg 2400	This Issue	
4 CSR 40-5.070	Office of Athletics		26 MoReg 2402R	This IssueR	
4 CSR 40-6.010	Office of Athletics		26 MoReg 2402R	This IssueR	
			26 MoReg 2403	This Issue	
4 CSR 40-7.010	Office of Athletics		26 MoReg 2403R	This IssueR	
			26 MoReg 2404	This Issue	
4 CSR 90-2.010	State Board of Cosmetology		27 MoReg 14		
4 CSR 90-2.020	State Board of Cosmetology		27 MoReg 14		
4 CSR 90-2.030	State Board of Cosmetology		27 MoReg 14		
4 CSR 90-4.020	State Board of Cosmetology		27 MoReg 15		
4 CSR 90-8.010	State Board of Cosmetology		27 MoReg 15		
4 CSR 90-12.080	State Board of Cosmetology		27 MoReg 15		
4 CSR 90-13.070	State Board of Cosmetology		27 MoReg 16		
4 CSR 100	Division of Credit Unions				27 MoReg 415
					27 MoReg 584
					This Issue
4 CSR 100-2.085	Division of Credit Unions		27 MoReg 16	This Issue	
4 CSR 110-2.131	Missouri Dental Board	27 MoReg 549	27 MoReg 554		
4 CSR 110-2.132	Missouri Dental Board		27 MoReg 555		
4 CSR 110-2.170	Missouri Dental Board		27 MoReg 100		
4 CSR 110-2.240	Missouri Dental Board		27 MoReg 104		
4 CSR 120-1.010	State Board of Embalmers and Funeral Directors		26 MoReg 2276	27 MoReg 495	
4 CSR 120-2.010	State Board of Embalmers and Funeral Directors		26 MoReg 2276	27 MoReg 495	
4 CSR 120-2.020	State Board of Embalmers and Funeral Directors		26 MoReg 2276	27 MoReg 495	
4 CSR 120-2.030	State Board of Embalmers and Funeral Directors		26 MoReg 2277	27 MoReg 495	
4 CSR 120-2.040	State Board of Embalmers and Funeral Directors		26 MoReg 2277	27 MoReg 495	
4 CSR 120-2.050	State Board of Embalmers and Funeral Directors		26 MoReg 2277	27 MoReg 496	
4 CSR 120-2.060	State Board of Embalmers and Funeral Directors		26 MoReg 2278	27 MoReg 496	
4 CSR 120-2.070	State Board of Embalmers and Funeral Directors		26 MoReg 2279	27 MoReg 496	
4 CSR 120-2.120	State Board of Embalmers and Funeral Directors		26 MoReg 2280	27 MoReg 496	
4 CSR 140-1.010	Division of Finance		27 MoReg 456		
4 CSR 140-2.067	Division of Finance		27 MoReg 457		
4 CSR 140-2.070	Division of Finance		27 MoReg 458		
4 CSR 140-10.010	Division of Finance		27 MoReg 458R		
4 CSR 140-10.030	Division of Finance		27 MoReg 458		
4 CSR 140-11.010	Division of Finance		27 MoReg 459R		
4 CSR 140-11.020	Division of Finance		27 MoReg 459R		
4 CSR 140-11.030	Division of Finance		27 MoReg 459		
4 CSR 140-11.040	Division of Finance		27 MoReg 461		
4 CSR 140-12.010	Division of Finance		27 MoReg 461		
4 CSR 140-13.010	Division of Finance		27 MoReg 462		
4 CSR 140-29.010	Division of Finance		27 MoReg 463		
4 CSR 145-1.040	Missouri Board of Geologist Registration		26 MoReg 2281	27 MoReg 496	
4 CSR 205-1.030	Missouri Board of Occupational Therapy		27 MoReg 18R		
4 CSR 205-3.010	Missouri Board of Occupational Therapy		27 MoReg 18		
4 CSR 205-3.020	Missouri Board of Occupational Therapy		27 MoReg 18		
4 CSR 210-2.030	State Board of Optometry		27 MoReg 105		
4 CSR 210-2.070	State Board of Optometry		27 MoReg 105		
4 CSR 220-2.020	State Board of Pharmacy		27 MoReg 18		
4 CSR 220-2.085	State Board of Pharmacy				26 MoReg 2433
4 CSR 220-2.650	State Board of Pharmacy		27 MoReg 19		
4 CSR 230-2.045	State Board of Podiatric Medicine		26 MoReg 2283	27 MoReg 497	
4 CSR 240-2.045	Public Service Commission		27 MoReg 106	27 MoReg 572	
4 CSR 240-2.075	Public Service Commission		27 MoReg 106	27 MoReg 413W	
4 CSR 240-2.080	Public Service Commission		26 MoReg 1965	27 MoReg 497	27 MoReg 512
4 CSR 240-2.115	Public Service Commission		27 MoReg 107	27 MoReg 413W	
4 CSR 240-2.117	Public Service Commission		27 MoReg 107	27 MoReg 413W	
4 CSR 240-2.130	Public Service Commission		26 MoReg 1966	27 MoReg 497	
4 CSR 240-13.055	Public Service Commission	26 MoReg 2259			
4 CSR 255-2.010	Missouri Board for Respiratory Care		26 MoReg 2404		
4 CSR 255-2.020	Missouri Board for Respiratory Care		26 MoReg 2404		
4 CSR 255-2.030	Missouri Board for Respiratory Care		26 MoReg 2405		
4 CSR 265-8.060	Motor Carrier and Railroad Safety				26 MoReg 2181

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 30-4.040	Division of School Services.....		26 MoReg 2283R	27 MoReg 572R	
5 CSR 30-4.045	Division of School Services.....		26 MoReg 2283R	27 MoReg 572R	
5 CSR 30-340.010	Division of School Services..... (<i>Changed to 5 CSR 50-340.110</i>)		26 MoReg 2103	27 MoReg 573	
5 CSR 30-660.030	Division of School Services.....		26 MoReg 2284R	27 MoReg 573R	
5 CSR 30-660.040	Division of School Services.....		26 MoReg 2284R	27 MoReg 573R	
5 CSR 30-660.050	Division of School Services.....		26 MoReg 2284R	27 MoReg 573R	
5 CSR 50-340.050	Division of School Services.....		27 MoReg 555R		
			27 MoReg 555		
5 CSR 50-340.110	Division of School Improvement..... (<i>Changed from 5 CSR 30-340.010</i>)		26 MoReg 2103	27 MoReg 573	
5 CSR 50-340.200	Division of School Improvement.....		26 MoReg 2284	27 MoReg 573	
5 CSR 60-120.070	Vocational and Adult Education.....		26 MoReg 2103R	27 MoReg 574R	
			26 MoReg 2103	27 MoReg 574	
5 CSR 80-800.360	Teacher Quality and Urban Education.....		26 MoReg 2290		
5 CSR 80-800.380	Teacher Quality and Urban Education.....		27 MoReg 559		
5 CSR 80-805.030	Teacher Quality and Urban Education.....		26 MoReg 2291		
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-2.030	Commissioner of Higher Education.....		26 MoReg 2297	27 MoReg 497	
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-14.020	Missouri Highways and Transportation Commission.....		27 MoReg 312		
7 CSR 10-14.030	Missouri Highways and Transportation Commission.....		27 MoReg 312		
7 CSR 10-14.040	Missouri Highways and Transportation Commission.....		27 MoReg 313		
7 CSR 10-14.050	Missouri Highways and Transportation Commission.....		27 MoReg 314		
7 CSR 10-14.060	Missouri Highways and Transportation Commission.....		27 MoReg 315		
7 CSR 10-22.020	Missouri Highways and Transportation Commission.....		26 MoReg 2220	27 MoReg 497	
7 CSR 10-22.040	Missouri Highways and Transportation Commission.....		26 MoReg 2220	27 MoReg 498	
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 20-8.010	Labor and Industrial Relations Commission.....		27 MoReg 399		
8 CSR 50-8.010	Workers' Compensation.....		27 MoReg 315		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.200	Director, Department of Mental Health.....	This Issue	This Issue		
9 CSR 10-7.020	Director, Department of Mental Health.....		27 MoReg 108		
9 CSR 10-7.030	Director, Department of Mental Health.....		27 MoReg 108		
9 CSR 25-2.505	Fiscal Management.....		27 MoReg 109		
9 CSR 30-3.032	Certification Standards.....		This Issue		
9 CSR 30-3.120	Certification Standards.....		26 MoReg 2220	27 MoReg 498	
9 CSR 30-3.130	Certification Standards.....		26 MoReg 2221	27 MoReg 498	
9 CSR 30-3.132	Certification Standards.....		26 MoReg 2221	27 MoReg 498	
			This Issue		
9 CSR 30-3.140	Certification Standards.....		26 MoReg 2222	27 MoReg 498	
9 CSR 30-3.206	Certification Standards.....		This Issue		
9 CSR 30-3.300	Certification Standards.....		26 MoReg 2222	27 MoReg 499	
9 CSR 30-4.030	Certification Standards.....	27 MoReg 219	27 MoReg 226		
9 CSR 30-4.031	Certification Standards.....	27 MoReg 219	27 MoReg 227		
9 CSR 30-4.032	Certification Standards.....	27 MoReg 220	27 MoReg 227		
9 CSR 30-4.034	Certification Standards.....	27 MoReg 221	27 MoReg 228		
9 CSR 30-4.035	Certification Standards.....	27 MoReg 222	27 MoReg 229		
9 CSR 30-4.039	Certification Standards.....	27 MoReg 222	27 MoReg 229		
9 CSR 30-4.042	Certification Standards.....	27 MoReg 223	27 MoReg 229		
9 CSR 30-4.043	Certification Standards.....	27 MoReg 223	27 MoReg 230		
9 CSR 30-4.045	Certification Standards.....	27 MoReg 224	27 MoReg 231		
9 CSR 45-3.050	Division of Mental Retardation and Development Disabilities.....		This Issue		
9 CSR 45-5.060	Division of Mental Retardation and Developmental Disabilities.....	27 MoReg 389	27 MoReg 399		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10	Air Conservation Commission.....				This Issue
10 CSR 10-2.080	Air Conservation Commission.....		27 MoReg 564		
10 CSR 10-5.180	Air Conservation Commission.....		27 MoReg 564		
10 CSR 10-5.300	Air Conservation Commission.....		26 MoReg 1967	This Issue	
10 CSR 10-6.060	Air Conservation Commission.....		26 MoReg 1974	This Issue	
10 CSR 10-6.065	Air Conservation Commission.....		26 MoReg 1975	This Issue	
10 CSR 10-6.070	Air Conservation Commission.....		27 MoReg 402		
10 CSR 10-6.075	Air Conservation Commission.....		27 MoReg 403		
10 CSR 10-6.080	Air Conservation Commission.....		27 MoReg 405		
10 CSR 10-6.110	Air Conservation Commission.....		27 MoReg 318		
10 CSR 10-6.130	Air Conservation Commission.....		This Issue		
10 CSR 10-6.220	Air Conservation Commission.....		27 MoReg 564		
10 CSR 20-4.023	Clean Water Commission.....		26 MoReg 860		
10 CSR 20-4.043	Clean Water Commission.....		26 MoReg 861		
10 CSR 20-6.200	Clean Water Commission.....		26 MoReg 1976	This Issue	This Issue
10 CSR 20-7.040	Clean Water Commission.....		27 MoReg 235		
10 CSR 20-15.010	Clean Water Commission.....		26 MoReg 1992	27 MoReg 574	
10 CSR 20-15.020	Clean Water Commission.....		26 MoReg 1993	27 MoReg 575	
10 CSR 20-15.030	Clean Water Commission.....		26 MoReg 2005	27 MoReg 576	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 25-3.260	Hazardous Waste Management Commission		27 MoReg 110		
10 CSR 25-6.263	Hazardous Waste Management Commission		27 MoReg 112		
10 CSR 25-12.010	Hazardous Waste Management Commission		27 MoReg 115		
10 CSR 40-10.020	Land Reclamation Commission		26 MoReg 1798		
	.....		This Issue		
10 CSR 40-10.050	Land Reclamation Commission		26 MoReg 1798		
10 CSR 60-4.050	Public Drinking Water Program		27 MoReg 325		
10 CSR 60-4.060	Public Drinking Water Program		27 MoReg 329R		
	.....		27 MoReg 329		
10 CSR 60-7.020	Public Drinking Water Program		26 MoReg 1799	27 MoReg 499	
10 CSR 60-10.040	Public Drinking Water Program		26 MoReg 1801	27 MoReg 499	
10 CSR 60-14.020	Public Drinking Water Program .....		.....		26 MoReg 1847
10 CSR 60-15.020	Public Drinking Water Program		26 MoReg 1802	27 MoReg 499	
10 CSR 60-15.030	Public Drinking Water Program		26 MoReg 1804	27 MoReg 499	
10 CSR 60-15.050	Public Drinking Water Program		26 MoReg 1804	27 MoReg 500	
10 CSR 60-15.060	Public Drinking Water Program		26 MoReg 1805	27 MoReg 500	
10 CSR 60-15.070	Public Drinking Water Program		26 MoReg 1809	27 MoReg 500	
10 CSR 60-15.080	Public Drinking Water Program		26 MoReg 1813	27 MoReg 500	27 MoReg 512
10 CSR 60-15.090	Public Drinking Water Program		26 MoReg 1816	27 MoReg 501	27 MoReg 512
10 CSR 70-1.010	Soil and Water Districts Commission		27 MoReg 247		
10 CSR 100-3.010	Petroleum Storage Tank Insurance Fund Board		26 MoReg 2405	27 MoReg 578	
10 CSR 100-4.010	Petroleum Storage Tank Insurance Fund Board		26 MoReg 2405	27 MoReg 578	
10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund Board		26 MoReg 2406	27 MoReg 578	
10 CSR 100-5.010	Petroleum Storage Tank Insurance Fund Board		26 MoReg 2407	27 MoReg 578	
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 10-11.210	Adjutant General		27 MoReg 247		
	(Changed from 11 CSR 40-4.010)				
11 CSR 10-11.220	Adjutant General		27 MoReg 248		
	(Changed from 11 CSR 40-4.020)				
11 CSR 10-11.230	Adjutant General		27 MoReg 248		
	(Changed from 11 CSR 40-4.030)				
11 CSR 10-11.240	Adjutant General		27 MoReg 249		
	(Changed from 11 CSR 40-4.040)				
11 CSR 10-11.250	Adjutant General		27 MoReg 249		
	(Changed from 11 CSR 40-4.050)				
11 CSR 30-7.010	Office of the Director	27 MoReg 550	27 MoReg 565		
11 CSR 40-4.010	Division of Fire Safety		27 MoReg 247		
	(Changed to 11 CSR 10-11.210)				
11 CSR 40-4.020	Division of Fire Safety		27 MoReg 248		
	(Changed to 11 CSR 10-11.220)				
11 CSR 40-4.030	Division of Fire Safety		27 MoReg 248		
	(Changed to 11 CSR 10-11.230)				
11 CSR 40-4.040	Division of Fire Safety		27 MoReg 249		
	(Changed to 11 CSR 10-11.240)				
11 CSR 40-4.050	Division of Fire Safety		27 MoReg 249		
	(Changed to 11 CSR 10-11.250)				
11 CSR 40-6.060	Division of Fire Safety	26 MoReg 857			
11 CSR 45-1.090	Missouri Gaming Commission		27 MoReg 121		
11 CSR 45-4.030	Missouri Gaming Commission		26 MoReg 2297	This Issue	
11 CSR 45-4.200	Missouri Gaming Commission		26 MoReg 2297	This Issue	
11 CSR 45-4.205	Missouri Gaming Commission		26 MoReg 2298	This Issue	
11 CSR 45-4.260	Missouri Gaming Commission		26 MoReg 2298	This Issue	
	.....		27 MoReg 405		
11 CSR 45-4.400	Missouri Gaming Commission		27 MoReg 121		
11 CSR 45-4.410	Missouri Gaming Commission		27 MoReg 121		
11 CSR 45-4.420	Missouri Gaming Commission		27 MoReg 122		
11 CSR 45-5.070	Missouri Gaming Commission		27 MoReg 565		
11 CSR 45-5.075	Missouri Gaming Commission		27 MoReg 568		
11 CSR 45-5.290	Missouri Gaming Commission		27 MoReg 122		
11 CSR 45-6.020	Missouri Gaming Commission		27 MoReg 123		
11 CSR 45-6.025	Missouri Gaming Commission		27 MoReg 126		
11 CSR 45-7.040	Missouri Gaming Commission .....		.....		26 MoReg 2184
11 CSR 45-8.050	Missouri Gaming Commission		27 MoReg 128		
11 CSR 45-9.030	Missouri Gaming Commission		27 MoReg 568		
11 CSR 45-12.090	Missouri Gaming Commission		27 MoReg 128		
11 CSR 45-13.070	Missouri Gaming Commission		27 MoReg 128		
11 CSR 45-30.025	Missouri Gaming Commission		26 MoReg 2298	27 MoReg 579W	
	.....		27 MoReg 571		
11 CSR 45-30.190	Missouri Gaming Commission		26 MoReg 2106	This Issue	
11 CSR 45-30.355	Missouri Gaming Commission		27 MoReg 406		
11 CSR 45-30.395	Missouri Gaming Commission		26 MoReg 2106	This Issue	
11 CSR 45-30.525	Missouri Gaming Commission		26 MoReg 2106	This Issue	
11 CSR 50-2.150	Missouri State Highway Patrol		26 MoReg 2299	27 MoReg 501	
11 CSR 50-2.170	Missouri State Highway Patrol		26 MoReg 2300	27 MoReg 501	
11 CSR 50-2.240	Missouri State Highway Patrol		26 MoReg 2300	27 MoReg 501	
11 CSR 50-2.320	Missouri State Highway Patrol	26 MoReg 2260	26 MoReg 2300	27 MoReg 501	
11 CSR 50-2.321	Missouri State Highway Patrol		26 MoReg 2303	27 MoReg 501	
11 CSR 60-1.010	Division of Highway Safety		26 MoReg 2407		
11 CSR 60-1.040	Division of Highway Safety		26 MoReg 2408		
11 CSR 60-1.050	Division of Highway Safety		26 MoReg 2408		
11 CSR 60-1.060	Division of Highway Safety		26 MoReg 2408		
11 CSR 60-1.100	Division of Highway Safety		26 MoReg 2409		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF REVENUE					
12 CSR	Construction Transient Employers				26 MoReg 1848
	.....				26 MoReg 2434
	.....				27 MoReg 416
12 CSR 10-2.165	Director of Revenue		27 MoReg 338		
12 CSR 10-24.326	Director of Revenue		26 MoReg 2114	27 MoReg 502	
12 CSR 10-24.470	Director of Revenue		26 MoReg 2409	27 MoReg 579	
12 CSR 10-41.010	Director of Revenue	26 MoReg 2262	26 MoReg 2303	27 MoReg 508	
12 CSR 10-41.030	Director of Revenue		27 MoReg 338		
12 CSR 10-43.030	Director of Revenue		27 MoReg 464		
12 CSR 10-111.100	Director of Revenue		26 MoReg 2224	27 MoReg 508	
12 CSR 10-113.200	Director of Revenue		27 MoReg 339		
12 CSR 10-117.100	Director of Revenue		27 MoReg 340		
12 CSR 30-4.010	State Tax Commission		27 MoReg 250		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 15-1.010	Division of Aging				27 MoReg 512
	(Changed to 19 CSR 15-1.010)				
13 CSR 15-2.010	Division of Aging				27 MoReg 512
	(Changed to 19 CSR 15-2.010)				
13 CSR 15-3.010	Division of Aging				27 MoReg 512
	(Changed to 19 CSR 15-3.010)				
13 CSR 15-3.020	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-3.020)				
13 CSR 15-3.030	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-3.030)				
13 CSR 15-3.040	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-3.040)				
13 CSR 15-3.050	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-3.050)				
13 CSR 15-4.010	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.010)				
13 CSR 15-4.020	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.020)				
13 CSR 15-4.030	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.030)				
13 CSR 15-4.040	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.040)				
13 CSR 15-4.050	Division of Aging		27 MoReg 486		27 MoReg 513
	(Changed to 19 CSR 15-4.050)				
13 CSR 15-4.060	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.060)				
13 CSR 15-4.070	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.070)				
13 CSR 15-4.080	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.080)				
13 CSR 15-4.090	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.090)				
13 CSR 15-4.100	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.100)				
13 CSR 15-4.105	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.105)				
13 CSR 15-4.110	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.110)				
13 CSR 15-4.120	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.120)				
13 CSR 15-4.130	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.130)				
13 CSR 15-4.135	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.135)				
13 CSR 15-4.140	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.140)				
13 CSR 15-4.150	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.150)				
13 CSR 15-4.160	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.160)				
13 CSR 15-4.170	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.170)				
13 CSR 15-4.175	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.175)				
13 CSR 15-4.180	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.180)				
13 CSR 15-1.190	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.190)				
13 CSR 15-4.200	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.200)				
13 CSR 15-4.210	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.210)				
13 CSR 15-4.220	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.220)				
13 CSR 15-4.230	Division of Aging				27 MoReg 513
	(Changed to 19 CSR 15-4.230)				

Rule Number	Agency	Emergency	Proposed	Order	In Addition
13 CSR 15-4.240	Division of Aging (<i>Changed to 19 CSR 15-4.240</i>)				27 MoReg 513
13 CSR 15-4.250	Division of Aging (<i>Changed to 19 CSR 15-4.250</i>)				27 MoReg 513
13 CSR 15-4.260	Division of Aging (<i>Changed to 19 CSR 15-4.260</i>)				27 MoReg 513
13 CSR 15-4.270	Division of Aging (<i>Changed to 19 CSR 15-4.270</i>)				27 MoReg 513
13 CSR 15-4.280	Division of Aging (<i>Changed to 19 CSR 15-4.280</i>)				27 MoReg 513
13 CSR 15-4.290	Division of Aging (<i>Changed to 19 CSR 15-4.290</i>)				27 MoReg 513
13 CSR 15-4.300	Division of Aging (<i>Changed to 19 CSR 15-4.300</i>)				27 MoReg 513
13 CSR 15-4.310	Division of Aging (<i>Changed to 19 CSR 15-4.310</i>)				27 MoReg 513
13 CSR 15-6.020	Division of Aging (<i>Changed to 19 CSR 15-6.020</i>)				27 MoReg 513
13 CSR 15-6.025	Division of Aging (<i>Changed to 19 CSR 15-6.025</i>)				27 MoReg 513
13 CSR 15-7.005	Division of Aging (<i>Changed to 19 CSR 15-7.005</i>)				27 MoReg 514
13 CSR 15-7.010	Division of Aging (<i>Changed to 19 CSR 15-7.010</i>)				27 MoReg 514
13 CSR 15-7.021	Division of Aging (<i>Changed to 19 CSR 15-7.021</i>)		26 MoReg 2034	27 MoReg 509	27 MoReg 514 27 MoReg 514
13 CSR 15-7.040	Division of Aging (<i>Changed to 19 CSR 15-7.040</i>)				27 MoReg 514
13 CSR 15-7.050	Division of Aging (<i>Changed to 19 CSR 15-7.050</i>)				27 MoReg 514
13 CSR 15-7.060	Division of Aging (<i>Changed to 19 CSR 15-7.060</i>)				27 MoReg 514
13 CSR 40-19.020	Division of Family Services.....	26 MoReg 1962	26 MoReg 2013	27 MoReg 508	
13 CSR 40-30.020	Division of Family Services.....	27 MoReg 391	27 MoReg 406		
13 CSR 40-60.050	Division of Family Services.....		27 MoReg 341		
13 CSR 70-10.050	Division of Medical Services.....		26 MoReg 2409	This Issue	
13 CSR 70-20.031	Division of Medical Services.....		26 MoReg 2016	This IssueW	
13 CSR 70-20.034	Division of Medical Services.....		26 MoReg 2018	This IssueW	26 MoReg 2186
13 CSR 73-2.015	Missouri Board of Nursing Home Administrators.....	27 MoReg 5	27 MoReg 19		
13 CSR 73-2.070	Missouri Board of Nursing Home Administrators.....	27 MoReg 5	27 MoReg 20		
ELECTED OFFICIALS					
15 CSR 30-45.030	Secretary of State		27 MoReg 407R		
15 CSR 30-50.010	Secretary of State		27 MoReg 407		
15 CSR 30-50.020	Secretary of State		27 MoReg 129		
			27 MoReg 130R		
15 CSR 30-50.030	Secretary of State		27 MoReg 130		
			27 MoReg 131R		
15 CSR 30-50.040	Secretary of State		27 MoReg 131		
			27 MoReg 132R		
15 CSR 30-50.120	Secretary of State		27 MoReg 132		
15 CSR 30-50.130	Secretary of State		27 MoReg 133R		
15 CSR 30-50.150	Secretary of State		27 MoReg 134R		
15 CSR 30-50.160	Secretary of State		27 MoReg 134R		
15 CSR 30-50.170	Secretary of State		27 MoReg 134R		
15 CSR 30-50.180	Secretary of State		27 MoReg 135R		
15 CSR 30-50.210	Secretary of State		27 MoReg 135R		
15 CSR 30-50.220	Secretary of State		27 MoReg 135R		
15 CSR 30-51.010	Secretary of State		27 MoReg 135		
15 CSR 30-51.020	Secretary of State		27 MoReg 136R		
			27 MoReg 136		
15 CSR 30-51.030	Secretary of State		27 MoReg 138R		
			27 MoReg 138		
15 CSR 30-51.160	Secretary of State		27 MoReg 139R		
			27 MoReg 139		
15 CSR 30-51.180	Secretary of State		27 MoReg 251		
15 CSR 30-54.190	Secretary of State		26 MoReg 2303R		
			26 MoReg 2304		
15 CSR 30-54.290	Secretary of State		27 MoReg 251		
15 CSR 30-55.010	Secretary of State		26 MoReg 2304R	27 MoReg 579R	
			26 MoReg 2304	27 MoReg 579	
15 CSR 30-55.020	Secretary of State		26 MoReg 2305R	27 MoReg 579R	
			26 MoReg 2305	27 MoReg 579	
15 CSR 30-55.025	Secretary of State		26 MoReg 2306	27 MoReg 580	
15 CSR 30-55.030	Secretary of State		26 MoReg 2306R	27 MoReg 580R	
			26 MoReg 2306	27 MoReg 580	
15 CSR 30-55.040	Secretary of State		26 MoReg 2307R	27 MoReg 580R	
			26 MoReg 2307	27 MoReg 580	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
15 CSR 30-55.050	Secretary of State		26 MoReg 2308R	27 MoReg 580R	
15 CSR 30-55.070	Secretary of State		26 MoReg 2308	27 MoReg 581	
			26 MoReg 2308R	27 MoReg 581R	
			26 MoReg 2309	27 MoReg 581	
15 CSR 30-55.080	Secretary of State		26 MoReg 2309R	27 MoReg 581R	
			26 MoReg 2309	27 MoReg 581	
15 CSR 30-55.090	Secretary of State		26 MoReg 2310R	27 MoReg 581R	
			26 MoReg 2310	27 MoReg 582	
15 CSR 30-55.110	Secretary of State		26 MoReg 2310R	27 MoReg 582R	
			26 MoReg 2311	27 MoReg 582	
15 CSR 30-55.220	Secretary of State		26 MoReg 2311	27 MoReg 582	
15 CSR 50-2.050	Treasurer		26 MoReg 2414	27 MoReg 582	
RETIREMENT SYSTEMS					
16 CSR 10-4.014	The Public School Retirement System of Missouri		27 MoReg 465		
16 CSR 10-6.040	The Public School Retirement System of Missouri		27 MoReg 465		
16 CSR 20-2.056	Missouri Local Government Employees' Retirement System (LAGERS)		26 MoReg 2311	27 MoReg 583	
16 CSR 20-2.083	Missouri Local Government Employees' Retirement System (LAGERS)		26 MoReg 2312	27 MoReg 583	
16 CSR 20-3.010	Missouri Local Government Employees' Retirement System (LAGERS)		26 MoReg 2312	27 MoReg 583	
BOARDS OF POLICE COMMISSIONERS					
17 CSR 20-2.015	St. Louis Board of Police Commissioners		26 MoReg 2024		
			27 MoReg 466		
17 CSR 20-2.025	St. Louis Board of Police Commissioners		26 MoReg 2024		
			27 MoReg 467		
17 CSR 20-2.035	St. Louis Board of Police Commissioners		26 MoReg 2025		
			27 MoReg 467		
17 CSR 20-2.045	St. Louis Board of Police Commissioners		26 MoReg 2026		
			27 MoReg 469		
17 CSR 20-2.055	St. Louis Board of Police Commissioners		26 MoReg 2027		
			27 MoReg 469		
17 CSR 20-2.065	St. Louis Board of Police Commissioners		26 MoReg 2027		
			27 MoReg 470		
17 CSR 20-2.075	St. Louis Board of Police Commissioners		26 MoReg 2028		
			27 MoReg 270		
17 CSR 20-2.085	St. Louis Board of Police Commissioners		26 MoReg 2028		
			27 MoReg 471		
17 CSR 20-2.095	St. Louis Board of Police Commissioners		26 MoReg 2029		
			27 MoReg 472		
17 CSR 20-2.105	St. Louis Board of Police Commissioners		26 MoReg 2030		
			27 MoReg 472		
17 CSR 20-2.115	St. Louis Board of Police Commissioners		26 MoReg 2031		
			27 MoReg 474		
17 CSR 20-2.125	St. Louis Board of Police Commissioners		26 MoReg 2032		
			27 MoReg 474		
17 CSR 20-2.135	St. Louis Board of Police Commissioners		26 MoReg 2033		
			27 MoReg 475		
PUBLIC DEFENDER COMMISSION					
18 CSR 10-1.010	Office of State Public Defender		27 MoReg 476		
18 CSR 10-2.010	Office of State Public Defender		27 MoReg 477		
18 CSR 10-3.010	Office of State Public Defender		27 MoReg 477		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 10-4.010	Office of the Director		27 MoReg 478R		
			27 MoReg 478		
19 CSR 10-4.040	Office of the Director	27 MoReg 550	27 MoReg 571		
19 CSR 10-4.050	Office of the Director		27 MoReg 482		
19 CSR 10-5.200	Office of the Director	This Issue	This Issue		
19 CSR 15-1.010	Division of Senior Services			27 MoReg 512	
	(Changed from 13 CSR 15-1.010)				
19 CSR 15-2.010	Division of Senior Services			27 MoReg 512	
	(Changed from 13 CSR 15-2.010)				
19 CSR 15-3.010	Division of Senior Services			27 MoReg 512	
	(Changed from 13 CSR 15-3.010)				
19 CSR 15-3.020	Division of Senior Services			27 MoReg 513	
	(Changed from 13 CSR 15-3.020)				
19 CSR 15-3.030	Division of Senior Services			27 MoReg 513	
	(Changed from 13 CSR 15-3.030)				
19 CSR 15-3.040	Division of Senior Services			27 MoReg 513	
	(Changed from 13 CSR 15-3.040)				
19 CSR 15-3.050	Division of Senior Services			27 MoReg 513	
	(Changed from 13 CSR 15-3.050)				
19 CSR 15-4.010	Division of Senior Services			27 MoReg 513	
	(Changed from 13 CSR 15-4.010)				
19 CSR 15-4.020	Division of Senior Services			27 MoReg 513	
	(Changed from 13 CSR 15-4.020)				
19 CSR 15-4.030	Division of Senior Services			27 MoReg 513	
	(Changed from 13 CSR 15-4.030)				

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 15-4.040	Division of Senior Services..... (Changed from 13 CSR 15-4.040)				27 MoReg 513
19 CSR 15-4.050	Division of Senior Services..... (Changed from 13 CSR 15-4.050)		27 MoReg 486		27 MoReg 513
19 CSR 15-4.060	Division of Senior Services..... (Changed from 13 CSR 15-4.060)				27 MoReg 513
19 CSR 15-4.070	Division of Senior Services..... (Changed from 13 CSR 15-4.070)				27 MoReg 513
19 CSR 15-4.080	Division of Senior Services..... (Changed from 13 CSR 15-4.080)				27 MoReg 513
19 CSR 15-4.090	Division of Senior Services..... (Changed from 13 CSR 15-4.090)				27 MoReg 513
19 CSR 15-4.100	Division of Senior Services..... (Changed from 13 CSR 15-4.100)				27 MoReg 513
19 CSR 15-4.105	Division of Senior Services..... (Changed from 13 CSR 15-4.105)				27 MoReg 513
19 CSR 15-4.110	Division of Senior Services..... (Changed from 13 CSR 15-4.110)				27 MoReg 513
19 CSR 15-4.120	Division of Senior Services..... (Changed from 13 CSR 15-4.120)				27 MoReg 513
19 CSR 15-4.130	Division of Senior Services..... (Changed from 13 CSR 15-4.130)				27 MoReg 513
19 CSR 15-4.135	Division of Senior Services..... (Changed from 13 CSR 15-4.135)				27 MoReg 513
19 CSR 15-4.140	Division of Senior Services..... (Changed from 13 CSR 15-4.140)				27 MoReg 513
19 CSR 15-4.150	Division of Senior Services..... (Changed from 13 CSR 15-4.150)				27 MoReg 513
19 CSR 15-4.160	Division of Senior Services..... (Changed from 13 CSR 15-4.160)				27 MoReg 513
19 CSR 15-4.170	Division of Senior Services..... (Changed from 13 CSR 15-4.170)				27 MoReg 513
19 CSR 15-4.175	Division of Senior Services..... (Changed from 13 CSR 15-4.175)				27 MoReg 513
19 CSR 15-4.180	Division of Senior Services..... (Changed from 13 CSR 15-4.180)				27 MoReg 513
19 CSR 15-1.190	Division of Senior Services..... (Changed from 13 CSR 15-4.190)				27 MoReg 513
19 CSR 15-4.200	Division of Senior Services..... (Changed from 13 CSR 15-4.200)				27 MoReg 513
19 CSR 15-4.210	Division of Senior Services..... (Changed from 13 CSR 15-4.210)				27 MoReg 513
19 CSR 15-4.220	Division of Senior Services..... (Changed from 13 CSR 15-4.220)				27 MoReg 513
19 CSR 15-4.230	Division of Senior Services..... (Changed from 13 CSR 15-4.230)				27 MoReg 513
19 CSR 15-4.240	Division of Senior Services..... (Changed from 13 CSR 15-4.240)				27 MoReg 513
19 CSR 15-4.250	Division of Senior Services..... (Changed from 13 CSR 15-4.250)				27 MoReg 513
19 CSR 15-4.260	Division of Senior Services..... (Changed from 13 CSR 15-4.260)				27 MoReg 513
19 CSR 15-4.270	Division of Senior Services..... (Changed from 13 CSR 15-4.270)				27 MoReg 513
19 CSR 15-4.280	Division of Senior Services..... (Changed from 13 CSR 15-4.280)				27 MoReg 513
19 CSR 15-4.290	Division of Senior Services..... (Changed from 13 CSR 15-4.290)				27 MoReg 513
19 CSR 15-4.300	Division of Senior Services..... (Changed from 13 CSR 15-4.300)				27 MoReg 513
19 CSR 15-4.310	Division of Senior Services..... (Changed from 13 CSR 15-4.310)				27 MoReg 513
19 CSR 15-6.020	Division of Senior Services..... (Changed from 13 CSR 15-6.020)				27 MoReg 513
19 CSR 15-6.025	Division of Senior Services..... (Changed from 13 CSR 15-6.025)				27 MoReg 513
19 CSR 15-7.005	Division of Senior Services..... (Changed from 13 CSR 15-7.005)				27 MoReg 514
19 CSR 15-7.010	Division of Senior Services..... (Changed from 13 CSR 15-7.010)				27 MoReg 514
19 CSR 15-7.021	Division of Senior Services..... (Changed from 13 CSR 15-7.021)		26 MoReg 2034	27 MoReg 509	27 MoReg 514 27 MoReg 514
19 CSR 15-7.040	Division of Senior Services..... (Changed from 13 CSR 15-7.040)				27 MoReg 514
19 CSR 15-7.050	Division of Senior Services..... (Changed from 13 CSR 15-7.050)				27 MoReg 514
19 CSR 15-7.060	Division of Senior Services..... (Changed from 13 CSR 15-7.060)				27 MoReg 514
19 CSR 20-3.050	Division of Environmental Health and Communicable Disease Prevention				27 MoReg 584
19 CSR 25-38.020	Division of Administration	27 MoReg 392	27 MoReg 408		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 60-50.200	Missouri Health Facilities Review.....	27 MoReg 71R.....	27 MoReg 141R		
19 CSR 60-50.300	Missouri Health Facilities Review.....	27 MoReg 71.....	27 MoReg 141		
		27 MoReg 72R.....	27 MoReg 142R		
		27 MoReg 72.....	27 MoReg 142		
19 CSR 60-50.310	Missouri Health Facilities Review.....	27 MoReg 74R.....	27 MoReg 143R		
19 CSR 60-50.400	Missouri Health Facilities Review.....	27 MoReg 74R.....	27 MoReg 143R		
		27 MoReg 75.....	27 MoReg 144		
19 CSR 60-50.410	Missouri Health Facilities Review.....	27 MoReg 76R.....	27 MoReg 145R		
		27 MoReg 77.....	27 MoReg 145		
19 CSR 60-50.420	Missouri Health Facilities Review.....	27 MoReg 78R.....	27 MoReg 148R		
		27 MoReg 78.....	27 MoReg 148		27 MoReg 415
					27 MoReg 514
19 CSR 60-50.430	Missouri Health Facilities Review.....	27 MoReg 79R.....	27 MoReg 149R		
		27 MoReg 80.....	27 MoReg 149		
19 CSR 60-50.440	Missouri Health Facilities Review.....	27 MoReg 82R.....	27 MoReg 153R		
		27 MoReg 82.....	27 MoReg 153		
19 CSR 60-50.450	Missouri Health Facilities Review.....	27 MoReg 83R.....	27 MoReg 154R		
		27 MoReg 84.....	27 MoReg 154		
19 CSR 60-50.460	Missouri Health Facilities Review.....	27 MoReg 85R.....	27 MoReg 155R		
		27 MoReg 86.....	27 MoReg 156		
19 CSR 60-50.470	Missouri Health Facilities Review.....	27 MoReg 86R.....	27 MoReg 156R		
		27 MoReg 87.....	27 MoReg 156		
19 CSR 60-50.480	Missouri Health Facilities Review.....	27 MoReg 87R.....	27 MoReg 157R		
19 CSR 60-50.500	Missouri Health Facilities Review.....	27 MoReg 88R.....	27 MoReg 157R		
		27 MoReg 88.....	27 MoReg 158		
19 CSR 60-50.600	Missouri Health Facilities Review.....	27 MoReg 89R.....	27 MoReg 158R		
		27 MoReg 90.....	27 MoReg 158		
19 CSR 60-50.700	Missouri Health Facilities Review.....	27 MoReg 90R.....	27 MoReg 159R		
		27 MoReg 91.....	27 MoReg 159		
19 CSR 60-50.800	Missouri Health Facilities Review.....	27 MoReg 92R.....	27 MoReg 160R		
		27 MoReg 92.....	27 MoReg 160		
19 CSR 60-50.900	Missouri Health Facilities Review.....	27 MoReg 93R.....	27 MoReg 161R		
		27 MoReg 94.....	27 MoReg 161		
19 CSR 90-1.010	Missouri Senior Rx Program.....	27 MoReg 303.....	27 MoReg 341		
19 CSR 90-1.020	Missouri Senior Rx Program.....	27 MoReg 303.....	27 MoReg 342		
19 CSR 90-1.030	Missouri Senior Rx Program.....	27 MoReg 304.....	27 MoReg 343		
19 CSR 90-1.040	Missouri Senior Rx Program.....	27 MoReg 305.....	27 MoReg 346		
19 CSR 90-1.050	Missouri Senior Rx Program.....	27 MoReg 305.....	27 MoReg 346		
19 CSR 90-1.060	Missouri Senior Rx Program.....	27 MoReg 306.....	27 MoReg 349		
19 CSR 90-1.070	Missouri Senior Rx Program.....	27 MoReg 306.....	27 MoReg 349		
19 CSR 90-1.080	Missouri Senior Rx Program.....	27 MoReg 307.....	27 MoReg 349		
19 CSR 90-1.090	Missouri Senior Rx Program.....	27 MoReg 307.....	27 MoReg 350		
19 CSR 90-2.010	Missouri Senior Rx Program.....	27 MoReg 308.....	27 MoReg 350		
19 CSR 90-2.020	Missouri Senior Rx Program.....	27 MoReg 309.....	27 MoReg 351		
19 CSR 90-2.030	Missouri Senior Rx Program.....	27 MoReg 309.....	27 MoReg 351		
19 CSR 90-2.040	Missouri Senior Rx Program.....	27 MoReg 310.....	27 MoReg 352		
19 CSR 90-2.050	Missouri Senior Rx Program.....	27 MoReg 310.....	27 MoReg 352		
19 CSR 90-3.010	Missouri Senior Rx Program.....	27 MoReg 393.....	27 MoReg 410		
DEPARTMENT OF INSURANCE					
20 CSR	Medical Malpractice.....				25 MoReg 597
					26 MoReg 599
					27 MoReg 415
	Sovereign Immunity Limits.....				25 MoReg 724
					26 MoReg 75
					27 MoReg 41
20 CSR 10-1.020	General Administration.....		27 MoReg 162		
20 CSR 200-1.020	Financial Examination.....		27 MoReg 162		
20 CSR 200-II.130	Financial Examination.....		27 MoReg 163		
20 CSR 500-6.700	Property and Casualty.....		26 MoReg 2136R		
			26 MoReg 2136		
MISSOURI CONSOLIDATED HEALTH CARE PLAN					
22 CSR 10-2.010	Health Care Plan.....	27 MoReg 94.....	27 MoReg 164		
22 CSR 10-2.040	Health Care Plan.....	27 MoReg 95.....	27 MoReg 164		
22 CSR 10-2.045	Health Care Plan.....	27 MoReg 96.....	27 MoReg 167		
22 CSR 10-2.055	Health Care Plan.....	27 MoReg 96.....	27 MoReg 169		
22 CSR 10-2.063	Health Care Plan.....	27 MoReg 97.....	27 MoReg 171		
22 CSR 10-2.064	Health Care Plan.....	27 MoReg 97.....	27 MoReg 173		
22 CSR 10-2.065	Health Care Plan.....	27 MoReg 98R.....	27 MoReg 175R		
22 CSR 10-2.067	Health Care Plan.....	27 MoReg 98.....	27 MoReg 175		
22 CSR 10-2.075	Health Care Plan.....	27 MoReg 99.....	27 MoReg 175		

Emergency Rules in Effect as of April 15, 2002**Expires****Department of Agriculture****Market Development**

2 CSR 10-5.015	Public Complaint Handling and Disposition Procedure for Missouri Livestock Marketing Law	April 23, 2002
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Animal Health

2 CSR 30-2.010	Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri	May 10, 2002
2 CSR 30-2.040	Animal Health Requirements for Exhibition	May 10, 2002
2 CSR 30-6.020	Duties and Facilities of the Market/Sale Veterinarian	May 10, 2002

Department of Conservation**Conservation Commission**

3 CSR 10-9.353	Privileges for Class I and Class II Wildlife Breeders	September 16, 2002
3 CSR 10-9.565	Licensed Hunting Preserve: Privileges	September 16, 2002
3 CSR 10-9.566	Licensed Hunting Preserve: Records Required	September 16, 2002

Department of Economic Development**Missouri State Board of Accountancy**

4 CSR 10-2.022	Provisional License to Practice	May 23, 2002
4 CSR 10-2.041	Eligibility Requirements for the C.P.A. Examination	May 23, 2002
4 CSR 10-2.061	Requirements for an Initial Permit to Practice	May 23, 2002

Missouri Dental Board

4 CSR 110-2.131	Definition of a Public Health Setting	September 20, 2002
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Department of Mental Health**Certification Standards**

9 CSR 30-4.030	Certification Standards Definitions	July 11, 2002
9 CSR 30-4.031	Procedures to Obtain Certification for Centers	July 11, 2002
9 CSR 30-4.032	Administration	July 11, 2002
9 CSR 30-4.034	Personnel and Staff Development	July 11, 2002
9 CSR 30-4.035	Client Records of a Community Psychiatric Rehabilitation Program	July 11, 2002
9 CSR 30-4.039	Service Provision	July 11, 2002
9 CSR 30-4.042	Admission Criteria	July 11, 2002
9 CSR 30-4.043	Treatment Provided by Community Psychiatric Rehabilitation Program	July 11, 2002
9 CSR 30-4.045	Intensive Community Psychiatric Rehabilitation	July 11, 2002

Division of Mental Retardation and Developmental Disabilities

9 CSR 45-5.060	Procedures to Obtain Certification	August 27, 2002
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Department of Public Safety**Office of the Director**

11 CSR 30-7.010	Motor Vehicle Window Tinting Permits	August 30, 2002
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Missouri State Highway Patrol

11 CSR 50-2.320	School Bus Inspection	May 31, 2002
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Department of Revenue**Director of Revenue**

12 CSR 10-24.190	Drivers License Retesting Requirements After a License, School Bus Permit or Temporary Instruction Permit Expires	October 10, 2002
12 CSR 10-41.010	Annual Adjusted Rate of Interest	June 29, 2002

Department of Social Services**Division of Family Services**

13 CSR 40-30.020	Attorney Fees and Guardian <i>Ad Litem</i> Fees in Termination of Parental Rights Cases	August 22, 2002
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Missouri Board of Nursing Home Administrators

13 CSR 73-2.015	Fees	June 29, 2002
13 CSR 73-2.070	Examination	June 29, 2002

Department of Health and Senior Services

Office of the Director

19 CSR 10-4.040 Definition of a Public Health SettingSeptember 20, 2002

Division of Administration

19 CSR 25-38.020 Laboratory Fee for Tuberculosis TestingAugust 24, 2002

Missouri Health Facilities Review Committee

19 CSR 60-50.200 Purpose and StructureJune 29, 2002

19 CSR 60-50.200 Purpose and StructureJune 29, 2002

19 CSR 60-50.300 Definitions for the Certificate of Need ProcessJune 29, 2002

19 CSR 60-50.300 Definitions for the Certificate of Need ProcessJune 29, 2002

19 CSR 60-50.310 Guidelines for Specific Health ServicesJune 29, 2002

19 CSR 60-50.400 Letter of Intent ProcessJune 29, 2002

19 CSR 60-50.400 Letter of Intent ProcessJune 29, 2002

19 CSR 60-50.410 Letter of Intent PackageJune 29, 2002

19 CSR 60-50.420 Application ProcessJune 29, 2002

19 CSR 60-50.420 Review ProcessJune 29, 2002

19 CSR 60-50.430 Application PackageJune 29, 2002

19 CSR 60-50.430 Application PackageJune 29, 2002

19 CSR 60-50.440 Criteria and Standards for Hospital and Freestanding Health ServicesJune 29, 2002

19 CSR 60-50.440 Criteria and Standards for Equipment and New HospitalsJune 29, 2002

19 CSR 60-50.450 Criteria and Standards for Long-Term CareJune 29, 2002

19 CSR 60-50.450 Criteria and Standards for Long-Term CareJune 29, 2002

19 CSR 60-50.460 Criteria and Standards for Other Health Services and Emerging TechnologyJune 29, 2002

19 CSR 60-50.460 Criteria and Standards for Evolving TechnologyJune 29, 2002

19 CSR 60-50.470 Criteria and Standards for Financial FeasibilityJune 29, 2002

19 CSR 60-50.470 Criteria and Standards for Financial FeasibilityJune 29, 2002

19 CSR 60-50.480 Criteria and Standards for AlternativesJune 29, 2002

19 CSR 60-50.500 Additional InformationJune 29, 2002

19 CSR 60-50.500 Additional InformationJune 29, 2002

19 CSR 60-50.600 Certificate of Need DecisionsJune 29, 2002

19 CSR 60-50.600 Certificate of Need DecisionsJune 29, 2002

19 CSR 60-50.700 Post-Decision ActivityJune 29, 2002

19 CSR 60-50.700 Post-Decision ActivityJune 29, 2002

19 CSR 60-50.800 Meeting ProceduresJune 29, 2002

19 CSR 60-50.800 Meeting ProceduresJune 29, 2002

19 CSR 60-50.900 AdministrationJune 29, 2002

19 CSR 60-50.900 AdministrationJune 29, 2002

19 CSR 90-1.010 DefinitionsAugust 27, 2002

19 CSR 90-1.020 Eligibility and Application ProcessAugust 27, 2002

19 CSR 90-1.030 General Payment ProvisionsAugust 27, 2002

19 CSR 90-1.040 Claimant's ResponsibilitiesAugust 27, 2002

19 CSR 90-1.050 Process for Reenrollment into the ProgramAugust 27, 2002

19 CSR 90-1.060 Authorized AgentAugust 27, 2002

19 CSR 90-1.070 Program Identification CardAugust 27, 2002

19 CSR 90-1.080 Termination from the ProgramAugust 27, 2002

19 CSR 90-1.090 Appeal ProcessAugust 27, 2002

19 CSR 90-2.010 DefinitionsAugust 27, 2002

19 CSR 90-2.020 Eligibility and Application ProcessAugust 27, 2002

19 CSR 90-2.030 Responsibilities of Enrolled Participating PharmaciesAugust 27, 2002

19 CSR 90-2.040 Termination of Suspension from the ProgramAugust 27, 2002

19 CSR 90-2.050 Appeal ProcessAugust 27, 2002

19 CSR 90-3.010 Manufacturers Rebate ProgramAugust 27, 2002

Missouri Consolidated Health Care Plan

Health Care Plan

22 CSR 10-2.010 DefinitionsJune 29, 2002

22 CSR 10-2.040 PPO Plan Summary of BenefitsJune 29, 2002

22 CSR 10-2.045 Co-Pay Plan Summary of Medical BenefitsJune 29, 2002

22 CSR 10-2.055 Co-Pay Plan Benefit Provisions and Covered ChargesJune 29, 2002

22 CSR 10-2.063 HMO/POS Premium Option Summary of Medical BenefitsJune 29, 2002

22 CSR 10-2.064 HMO/POS Standard Option Summary of Medical BenefitsJune 29, 2002

22 CSR 10-2.065 Staff Model Summary of Medical BenefitsJune 29, 2002

22 CSR 10-2.067 HMO and POS LimitationsJune 29, 2002

22 CSR 10-2.075 Review and Appeals ProcedureJune 29, 2002

The rule number and the MoReg publication date follow each entry to this index.

ABOVEGROUND STORAGE TANKS

applicability, definitions; 10 CSR 20-15.010; 10/15/01, 4/1/02
release reporting; 10 CSR 20-15.020; 10/15/01, 4/1/02
site characterization, corrective action; 10 CSR 20-15.030;
10/15/01, 4/1/02

ACCOUNTANCY

exam; 4 CSR 10-2.041; 12/17/01
fees; 4 CSR 10-2.160; 8/1/01, 12/17/01
license; 4 CSR 10-2.022; 12/17/01
permit; 4 CSR 10-2.061; 12/17/01

ACUPUNCTURIST ADVISORY COMMITTEE

application; 4 CSR 15-2.010; 9/4/01, 1/2/02
code of ethics; 4 CSR 15-3.020; 9/4/01, 1/2/02
fees; 4 CSR 15-1.030; 9/4/01, 1/2/02
information, complaints; 4 CSR 15-1.010; 9/4/01, 1/2/02
license renewal; 4 CSR 15-2.020; 9/4/01, 1/2/02
standards of practice; 4 CSR 15-3.010; 9/4/01, 1/2/02
supervision
acupuncturist trainees; 4 CSR 15-4.020; 9/4/01, 1/2/02
auricular detox technicians; 4 CSR 15-4.010; 9/4/01,
1/2/02
titling; 4 CSR 15-1.020; 9/4/01, 1/2/02

AGING, DIVISION OF

certification; 13 CSR 15-9.010 (changed to 19 CSR 30-81.010);
8/1/01, 1/2/02

AGRICULTURAL AND SMALL BUSINESS DEVELOPMENT

tax credits, distribution, repayment; 2 CSR 100-10.010; 9/4/01,
12/17/01

AIR QUALITY, POLLUTION

compliance monitoring usage; 10 CSR 10-6.280; 8/15/01,
2/1/02
construction permits; 10 CSR 10-6.060; 10/15/01, 4/15/02
emissions
data, fees, process information; 10 CSR 10-6.110; 2/15/02
episodes of high air pollution potential; 10 CSR 10-6.130;
4/15/02
hazardous air pollutants; 10 CSR 10-6.080; 3/1/02
internal combustion engines; 10 CSR 10-2.080, 10 CSR 10-
5.180; 4/1/02
restrictions, visible air contaminants; 10 CSR 10-6.220;
4/1/02
solvent metal cleaning; 10 CSR 10-5.300; 10/15/01,
4/15/02
incinerators, waiver; 10 CSR 10-5.375; 3/15/01
maximum achievable control technology; 10 CSR 10-6.075;
3/1/02
new source performance operations; 10 CSR 10-6.070; 3/1/02
operating permits; 10 CSR 10-6.065; 10/15/01, 4/15/02

start-up, shutdown, malfunction conditions; 10 CSR 10-6.050;
7/16/01, 1/16/02

ANIMAL HEALTH

admission; 2 CSR 30-2.010; 12/3/01
duties, facilities of the market/sale veterinarian; 2 CSR 30-6.020;
12/3/01
exhibition; 2 CSR 30-2.040; 12/3/01

APPRAISERS, REAL ESTATE

application; 4 CSR 245-5.020; 5/15/01, 9/4/01
payment; 4 CSR 245-5.010; 5/15/01, 9/4/01

ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS

architects
seals; 4 CSR 30-3.020; 11/1/01, 3/15/02
engineers
continuing professional competency; 4 CSR 30-11.015;
12/3/01
reexaminations; 4 CSR 30-5.105; 12/3/01
seals; 4 CSR 30-3.030; 11/1/01, 3/15/02
land surveyors
admission to examination; 4 CSR 30-5.110; 12/3/01
development units; 4 CSR 30-8.020; 7/16/01, 12/17/01
evaluation; 4 CSR 30-4.080; 11/1/01, 3/15/02
examination; 4 CSR 30-5.120; 11/1/01, 3/15/02
licensure; 4 CSR 30-11.020; 7/16/01, 12/17/01
reexamination; 4 CSR 30-5.130; 11/1/01, 3/15/02
renewal period; 4 CSR 30-11.010; 7/16/01, 12/17/01
requirements; 4 CSR 30-8.020; 7/16/01
seals; 4 CSR 30-3.040; 11/1/01, 3/15/02

ASSISTIVE TECHNOLOGY PROGRAM

loan program; 8 CSR 70-1.020; 8/15/01, 12/3/01
telecommunications access program; 8 CSR 70-1.010;
9/17/01, 1/2/02

ATHLETICS, BOARD OF

amateur boxing; 4 CSR 40-5.050; 12/17/01, 4/15/02
announcers; 4 CSR 40-4.060; 12/17/01, 4/15/02
boxing rules; 4 CSR 40-5.040; 12/17/01, 4/15/02
contestants; 4 CSR 40-4.090; 12/17/01, 4/15/02
custodian of public records; 4 CSR 40-1.030; 12/17/01, 4/15/02
definitions; 4 CSR 40-1.021; 12/17/01, 4/15/02
disciplinary, appeal procedures; 4 CSR 40-7.010; 12/17/01,
4/15/02
elimination contest; 4 CSR 40-5.070; 12/17/01, 4/15/02
facility, equipment; 4 CSR 40-6.010; 12/17/01, 4/15/02
fees, document search; 4 CSR 40-1.031; 12/17/01, 4/15/02
full-contact karate, kickboxing; 4 CSR 40-5.060; 12/17/01,
4/15/02
inspectors; 4 CSR 40-5.010; 12/17/01, 4/15/02
judges; 4 CSR 40-4.080; 12/17/01, 4/15/02
licenses; 4 CSR 40-2.011; 12/17/01, 4/15/02
matchmakers; 4 CSR 40-4.020; 12/17/01, 4/15/02
organization; 4 CSR 40-1.010; 12/17/01, 4/15/02
permits; 4 CSR 40-2.021; 12/17/01, 4/15/02
physicians; 4 CSR 40-4.040; 12/17/01, 4/15/02
promoters; 4 CSR 40-4.015; 12/17/01, 4/15/02
referees; 4 CSR 40-4.030; 12/17/01, 4/15/02
seconds; 4 CSR 40-4.070; 12/17/01, 4/15/02
tickets and taxes; 4 CSR 40-3.011; 12/17/01, 4/15/02
timekeepers; 4 CSR 40-4.050; 12/17/01, 4/15/02
wrestling rules; 4 CSR 40-5.030; 12/17/01, 4/15/02

ATHLETIC TRAINERS, REGISTRATION OF

definitions; 4 CSR 150-6.010; 9/4/01, 12/17/01

ATTORNEY GENERAL, OFFICE OF THE

no-call database
access; 15 CSR 60-13.060; 10/15/01, 2/1/02
reporting of motor vehicle stops
forms; 15 CSR 60-10.030; 9/4/01, 12/17/01
report to attorney general; 15 CSR 60-10.020; 9/4/01,
12/17/01

BINGO

games; 11 CSR 45-5.290; 1/16/02
promotions; 11 CSR 45-30.025; 12/3/01, 4/1/02
pull-tab cards; 11 CSR 45-30.355; 3/1/02

CEMETERIES, ENDOWED CARE

application; 4 CSR 65-2.010; 11/1/01, 2/15/02
fees; 4 CSR 65-1.060; 11/1/01, 2/15/02
license renewal; 4 CSR 65-2.050; 11/1/01, 2/15/02

CERTIFICATE OF NEED PROGRAM

administration; 19 CSR 60-50.900; 1/16/02
application
 package; 19 CSR 60-50.430; 1/16/02
 process; 19 CSR 60-50.420; 1/16/02
criteria and standards
 alternatives; 19 CSR 60-50.480; 1/16/02
 equipment; 19 CSR 60-50.440; 1/16/02
 financial feasibility; 19 CSR 60-50.470; 1/16/02
 hospital, freestanding health services; 19 CSR 60-50.440;
 1/16/02
 long-term care; 19 CSR 60-50.450; 1/16/02
 other health services, emerging technology; 19 CSR 60-
 50.460; 1/16/02
decisions; 19 CSR 60-50.600; 1/16/02
 post-decision activity; 19 CSR 60-50.700; 1/16/02
definitions; 19 CSR 60-50.300; 1/16/02
health service guidelines; 19 CSR 60-50.310; 1/16/02
information, additional; 19 CSR 60-50.500; 1/16/02
letter of intent
 package; 19 CSR 60-50.410; 1/16/02
 process; 19 CSR 60-50.400; 1/16/02
meeting procedures; 19 CSR 60-50.800; 1/16/02
purpose and structure; 19 CSR 60-50.200; 1/16/02
review process; 19 CSR 60-50.420; 1/16/02

CHILD CARE

foster child, educational plan; 13 CSR 40-60.050; 2/15/02

CHILD SUPPORT ENFORCEMENT

service fees
 annual; 13 CSR 30-10.010; 12/17/01
 monthly; 13 CSR 30-10.020; 7/16/01

CLEAN WATER COMMISSION

40% construction grant; 10 CSR 20-4.023; 4/16/01
groundwater remediation; 10 CSR 20-7.040; 2/1/02
hardship grants; 10 CSR 20-4.043; 4/16/01
storm water regulations; 10 CSR 20-6.200; 10/15/01, 4/15/02

CONSERVATION COMMISSION

black bass; 3 CSR 10-6.505; 6/1/01, 8/15/01
boats, motors; 3 CSR 10-12.110; 6/1/01, 8/15/01, 12/17/01
deer
 hunting; 3 CSR 10-11.182; 10/1/01, 12/17/01
endangered species; 3 CSR 10-4.111; 2/1/02, 4/15/02
fishing
 length limits; 3 CSR 10-11.215, 3 CSR 10-12.145;
 10/1/01, 12/17/01
 limits, daily and possession; 3 CSR 10-11.210, 3 CSR 10-
 12.140; 10/1/01, 12/17/01
 methods; 3 CSR 10-6.410; 3 CSR 10-12.135; 10/1/01,
 12/17/01
 seasons; 3 CSR 10-11.200; 6/1/01, 8/15/01, 10/1/01,
 12/17/01
hunting preserve
 privileges; 3 CSR 10-9.565; 4/1/02
 records required; 3 CSR 10-9.566; 4/1/02
organization; 3 CSR 10-1.010; 9/17/01, 12/3/01

permits

nonresident firearms deer
 any-deer hunting; 3 CSR 10-5.551; 10/1/01, 2/1/02,
 3/15/02
 hunting; 3 CSR 10-5.550; 10/1/01, 2/1/02, 3/15/02
 managed deer hunt; 3 CSR 10-5.559; 10/1/01, 2/1/02
 turkey archers; 3 CSR 10-5.560; 10/1/01, 2/1/02
 nonresident; 3 CSR 10-5.565; 10/1/01, 2/1/02
provisions; 3 CSR 10-6.405; 11/1/01, 2/1/02
turkey season; 3 CSR 10-7.455; 2/1/02
wildlife breeders; 3 CSR 10-9.353; 4/1/02

COSMETOLOGY, STATE BOARD OF

change of mailing address; 4 CSR 90-13.070; 1/2/02
esthetic schools; 4 CSR 90-2.030; 1/2/02
hours; 4 CSR 90-8.010; 1/2/02
instructor license; 4 CSR 90-12.080; 1/2/02
manicuring schools; 4 CSR 90-2.020; 1/2/02
practice outside, away from beauty shop; 4 CSR 90-4.020;
 1/2/02
schools; 4 CSR 90-2.010; 1/2/02

CREDIT UNIONS

call reports; 4 CSR 100-2.160; 9/17/01, 1/16/02
loans; 4 CSR 100-2.040; 9/17/01, 1/16/02
service organization; 4 CSR 100-2.085; 1/2/02, 4/15/02

DEAF, MISSOURI COMMISSION FOR THE

appeal rights; 5 CSR 100-200.180; 9/4/01, 2/1/02
application; 5 CSR 100-200.050; 9/4/01, 2/1/02
certification
 maintenance; 5 CSR 100-200.130; 9/4/01, 2/1/02
 renewal; 5 CSR 100-200.125; 9/4/01, 2/1/02
 restricted; 5 CSR 100-200.040; 9/4/01, 2/1/02
 validation; 5 CSR 100-200.120; 9/4/01, 2/1/02
conversion procedure; 5 CSR 100-200.100; 9/4/01, 2/1/02
enforcement; 5 CSR 100-200.200; 9/4/01, 2/1/02
evaluation; 5 CSR 100-200.070; 9/4/01, 2/1/02
 performance; 5 CSR 100-200.080; 9/4/01, 2/1/02
examination, written; 5 CSR 100-200.060; 9/4/01, 2/1/02
fees; 5 CSR 100-200.150; 9/4/01, 2/1/02
grandfather clause; 5 CSR 100-200.110; 9/4/01, 2/1/02
grievance procedure; 5 CSR 100-200.180; 9/4/01, 2/1/02
interpreter certification system; 5 CSR 100-200.030; 9/4/01,
 2/1/02
mentorship; 5 CSR 100-200.175; 9/4/01, 2/1/02
name and address change; 5 CSR 100-200.140; 9/4/01, 2/1/02
organization; 5 CSR 100-200.010; 9/4/01, 2/1/02
permit
 intern/practicum eligibility; 5 CSR 100-200.085; 9/4/01,
 2/1/02
 restricted; 5 CSR 100-200.040; 9/4/01, 2/1/02
 temporary; 5 CSR 100-200.090; 9/4/01, 2/1/02
recertification, voluntary; 5 CSR 100-200.075; 9/4/01, 2/1/02
reinstatement; 5 CSR 100-200.210; 9/4/01, 2/1/02
skill level standards; 5 CSR 100-200.170; 9/4/01, 2/1/02
test, written; 5 CSR 100-200.060; 9/4/01, 2/1/02

DENTAL BOARD, MISSOURI

continuing dental education; 4 CSR 110-2.240; 1/16/02
deep sedation/anesthesia; 4 CSR 110-2.180; 7/16/01, 12/17/01
equipment; 4 CSR 110-2.132; 4/1/02
fees; 4 CSR 110-2.170; 7/16/01, 12/17/01, 1/16/02
public health setting; 4 CSR 110-2.131; 4/1/02

DRINKING WATER PROGRAM, PUBLIC

contaminant levels
 filter backwash recycling; 10 CSR 60-4.050; 2/15/02
 radionuclide level; 10 CSR 60-4.060; 2/15/02

lead and copper
corrosion control
 requirements; 10 CSR 60-15.030; 9/17/01, 3/15/02
 treatment; 10 CSR 60-15.020; 9/17/01, 3/15/02
monitoring; 10 CSR 60-7.020; 9/17/01, 3/15/02
 source water; 10 CSR 60-15.090; 9/17/01, 3/15/02
 supplemental; 10 CSR 60-15.060; 9/17/01, 3/15/02
 tap water; 10 CSR 60-15.070; 9/17/01, 3/15/02
water quality parameters; 10 CSR 60-15.080; 9/17/01,
 3/15/02
 prohibition; 10 CSR 60-10.040; 9/17/01, 3/15/02
 public education; 10 CSR 60-15.060; 9/17/01, 3/15/02
 service line replacement; 10 CSR 60-15.050; 9/17/01,
 3/15/02

DRIVERS LICENSE BUREAU RULES

deletion of violations; 12 CSR 10-24.050; 11/1/01, 2/15/02
hearings; 12 CSR 10-24.030; 9/4/01, 10/15/01, 1/2/02
instruction permits; 12 CSR 10-24.402; 11/1/01, 2/15/02
J88 notation, deaf, hard of hearing; 12 CSR 10-24.470;
 12/17/01, 4/1/02
prohibit release of information; 12 CSR 10-24.462; 11/1/01,
 2/15/02
retesting requirements; 12 CSR 10-24.190; 11/1/01, 2/15/02
third party tester; 12 CSR 10-24.326; 11/1/01, 3/15/02
written examination; 12 CSR 10-24.300; 11/1/01, 2/15/02

ELECTIONS

electronic voting machines
 ballot tabulation; 15 CSR 30-10.040; 9/17/01, 1/16/02
 election procedures; 15 CSR 30-10.060; 9/17/01,
 1/16/02
 certification statement; 15 CSR 30-10.020; 9/17/01, 1/16/02
paper ballots; 19 CSR 30-9.030; 9/17/01, 1/16/02
postcard voter applications; 15 CSR 30-4.010; 9/17/01, 1/16/02
punch card voting systems; 15 CSR 30-9.010; 9/17/01, 1/16/02
optical scan voting systems; 15 CSR 30-9.020; 9/17/01, 1/16/02

ELEMENTARY AND SECONDARY EDUCATION

academically deficient schools; 5 CSR 50-340.110; 11/1/01,
 4/1/02
calculation of previous per eligible pupil; 5 CSR 30-660.050;
 12/3/01, 4/1/02
certificate to teach
 assessments required; 5 CSR 80-800.380; 4/1/02
 classifications; 5 CSR 80-800.360; 12/3/01
cost of education index; 5 CSR 30-660.030; 12/3/01, 4/1/02
definitions; 5 CSR 90-7.010; 8/1/01, 12/3/01
districts, school
 annual public reporting; 5 CSR 30-4.040; 5 CSR 50-
 340.200; 12/3/01, 4/1/02
 collection of reports; 5 CSR 30-4.045; 12/3/01, 4/1/02
innovative or alternative programs; 5 CSR 80-805.030; 12/3/01
personal care assistance program
 appeals; 5 CSR 90-7.300; 8/1/01, 12/3/01
 eligibility; 5 CSR 90-7.100; 8/1/01, 12/3/01
 hearings; 5 CSR 90-7.320; 8/1/01, 12/3/01
 informal review; 5 CSR 90-7.310; 8/1/01, 12/3/01
 providers; 5 CSR 90-7.200; 8/1/01, 12/3/01
salaries, minimum; 5 CSR 30-660.040; 12/3/01, 4/1/02
summer school; 5 CSR 50-340.050; 4/1/02
teacher loans, forgivable; 5 CSR 80-850.025; 8/1/01, 12/3/01
vocational-technical education enhancement grant; 5 CSR 60-
 120.070; 11/1/01, 4/1/02
waiver of regulations; 5 CSR 30-345.020 (changed to 5 CSR
 50-345.020); 7/2/01, 12/3/01

EMBALMERS AND FUNERAL DIRECTORS

funeral directing; 4 CSR 120-2.060; 12/3/01, 3/15/02

funeral establishments; 4 CSR 120-2.070; 12/3/01, 3/15/02
license renewal; 4 CSR 120-2.020; 12/3/01, 3/15/02
licensure by reciprocity; 4 CSR 120-2.040; 12/3/01, 3/15/02
miscellaneous rules; 4 CSR 120-2.050; 12/3/01, 3/15/02
organization; 4 CSR 120-1.010; 12/3/01, 3/15/02
public records; 4 CSR 120-2.120; 12/3/01, 3/15/02
registration, apprenticeship; 4 CSR 120-2.010; 12/3/01, 3/15/02
vital statistics, registration; 4 CSR 120-2.030; 12/3/01, 3/15/02

MANAGEMENT AGENCY, STATE

definitions; 11 CSR 10-11.220; 2/1/02
EPCRA reporting procedures; 11 CSR 10-11.240; 2/1/02
fees, hazardous chemicals; 11 CSR 10-11.250; 2/1/02
notification, releases of substances; 11 CSR 10-11.230; 2/1/02
organization; 11 CSR 10-11.210; 2/1/02

ENERGY ASSISTANCE

low energy assistance program; 13 CSR 40-19.020; 10/15/01,
 3/15/02

ETHICS COMMISSION

fee, late; 1 CSR 50-3.010; 11/15/01, 3/1/02

FINANCE, DIVISION OF

accounting, other real estate; 4 CSR 140-2.070; 3/15/02
bank holding companies
 licensing; 4 CSR 140-10.030; 3/15/02
 regional interstate; 4 CSR 140-10.010; 3/15/02
corporations, community development; 4 CSR 140-2.067;
 3/15/02
loan companies, small
 licensing; ; 4 CSR 140-11.010; 3/15/02
 record keeping; 4 CSR 140-11.020; 3/15/02
organization; 4 CSR 140-1.010; 3/15/02
sale of checks; 4 CSR 140-12.010; 3/15/02
section 408.510 companies
 licensing; 4 CSR 140-13.010; 3/15/02
section 500 companies
 licensing; 4 CSR 140-11.030; 3/15/02
 record keeping; 4 CSR 140-11.040; 3/15/02
title loan companies
 licensing; 4 CSR 140-29.010; 3/15/02

GAMING COMMISSION

application, class A; 11 CSR 45-4.030; 12/3/01, 4/15/02
definitions; 11 CSR 45-1.090; 1/16/02
identification badge; 11 CSR 45-4.410; 1/16/02
liquor control; 11 CSR 45-12.090; 1/16/02
minimum internal control standards; 11 CSR 45-9.030; 4/1/02
occupational license; 11 CSR 45-4.260; 12/3/01, 3/1/02; 4/15/02
 11 CSR 45-4.420; 1/16/02
 levels; 11 CSR 45-4.400; 1/16/02
payout percentage
 gaming devices; 11 CSR 45-5.070; 4/1/02
 progressive table games; 11 CSR 45-5.075; 4/1/02
record keeping
 manufacturer; 11 CSR 45-30.395; 11/1/01, 4/15/02
 suppliers; 11 CSR 45-30.525; 11/1/01, 4/15/02
reports; 11 CSR 45-8.050; 1/16/02
riverboat safety
 inspections; 11 CSR 45-6.025; 1/16/02
 standards; 11 CSR 45-6.020; 1/16/02
rules of play; 11 CSR 45-30.190; 11/1/01, 4/15/02
supplier's license; 11 CSR 45-4.200; 12/3/01, 4/15/02
 affiliate; 11 CSR 45-4.205; 12/3/01, 4/15/02
transmittal of record; 11 CSR 45-13.070; 1/16/02

GEOLOGIST REGISTRATION, MISSOURI BOARD OF

fees; 4 CSR 145-1.040; 5/15/01, 9/4/01, 12/3/01, 3/15/02

HAZARDOUS WASTE PROGRAM

definitions; 10 CSR 25-3.260; 1/16/02
fees and taxes; 10 CSR 25-12.010; 1/16/02
transporters, standards; 10 CSR 25-6.263; 1/16/02

HEALTH CARE

healthy communities incentive program; 19 CSR 10-4.050;
3/15/02

PRIMO program; 19 CSR 10-4.010; 3/15/02
public health setting; 19 CSR 10-4.040; 4/1/02

HEALTH CARE PLAN, MISSOURI CONSOLIDATED

benefit provision, covered charges; 22 CSR 10-2.055; 1/16/02
definitions; 22 CSR 10-2.010; 1/16/02
HMO and POS limitations; 22 CSR 10-2.067; 1/16/02
review and appeals procedures; 22 CSR 10-2.075; 1/16/02
summary of medical benefits
 co-pay plan; 22 CSR 10-2.045; 1/16/02
 HMO/POS premium option; 22 CSR 10-2.063; 1/16/02
 HMO/POS standard option; 22 CSR 10-2.064; 1/16/02
 PPO plan; 22 CSR 10-2.040; 1/16/02
 staff model; 22 CSR 10-2.065; 1/16/02

HEALTH MAINTENANCE ORGANIZATIONS

monitoring of; 19 CSR 10-5.010; 11/1/01, 2/15/02

HEARING INSTRUMENT SPECIALISTS

continuing education; 4 CSR 165-2.050; 9/4/01, 2/1/02
fees; 4 CSR 165-1.020; 9/4/01, 2/1/02
license renewal; 4 CSR 165-2.060; 9/4/01, 2/1/02

HIGHER EDUCATION

proprietary schools; 6 CSR 10-5.010; 12/1/00, 3/15/01, 6/15/01
student loan program; 6 CSR 10-2.030; 12/3/01, 3/15/02

HIGHWAYS

adopt-a-highway program
 agreement; 7 CSR 10-14.040; 2/15/02
 modification, termination; 7 CSR 10-14.060; 2/15/02
 application; 7 CSR 10-14.030; 2/15/02
 definitions; 7 CSR 10-14.020; 2/15/02
 sign; 7 CSR 10-14.050; 2/15/02

HOSPITALS AND AMBULATORY SURGICAL CENTERS

administration; 19 CSR 30-20.015; 8/1/01, 1/2/02
definitions; 19 CSR 30-20.011; 8/1/01, 1/2/02
organization and management; 19 CSR 30-20.021; 8/1/01, 1/2/02

INSURANCE, DEPARTMENT OF

accounting standards, principles; 20 CSR 200-1.020; 1/16/02
affiliated transactions; 20 CSR 200-11.130; 1/16/02
licensing requirements; 20 CSR 200-6.600; 10/15/01, 2/1/02
life insurance policies; 20 CSR 200-1.160; 10/15/01, 2/1/02
medical malpractice award; 20 CSR; 3/1/00, 3/1/01, 3/1/02
privacy of financial information; 20 CSR 100-6.100; 7/16/01,
 10/1/01, 2/15/02
referenced or adopted materials; 20 CSR 10-1.020; 1/16/02
sovereign immunity limits; 20 CSR; 3/15/00, 1/2/01, 1/2/02
workers compensation; 20 CSR 500-6.700; 11/1/01

INVESTMENT

nonstate funds; 12 CSR 10-43.030; 3/15/02

LAND RECLAMATION

industrial mineral open pit, in-stream sand and gravel operations
 performance requirements; 10 CSR 40-10.050; 9/17/01
 permit application; 10 CSR 40-10.020; 9/17/01, 4/15/02

LIVESTOCK

complaint handling; 2 CSR 10-5.015; 3/15/02
price reporting, purchases by packers; 2 CSR 10-5.010; 7/2/01
public complaint handling; 2 CSR 10-5.015; 11/15/01

MEDICAID

excludable drugs; 13 CSR 70-20.031; 10/15/01, 4/15/02
federal reimbursement allowance; 13 CSR 70-15.110; 2/1/02
filing of claims; 13 CSR 70-3.100; 11/1/01, 2/15/02
hospices services; 13 CSR 70-50.010; 10/1/01, 2/1/02
nonexcludable drugs; 13 CSR 70-20.034; 10/15/01, 4/15/02
nursing facilities; 13 CSR 70-10.110; 10/1/0, 2/1/021
trend indices; 13 CSR 70-15.010; 10/1/01, 2/1/02
settlements; 13 CSR 70-15.040; 10/1/01, 2/1/02

MENTAL HEALTH, DEPARTMENT OF

administration; 9 CSR 30-4.032; 2/1/02
admission criteria; 9 CSR 30-4.042; 2/1/02
aggressive behaviors; 9 CSR 45-3.050; 4/15/02
alcohol and drug abuse programs
 certification; 9 CSR 30-3.032; 4/15/02
 detoxification; 9 CSR 30-3.120; 11/15/01, 3/15/02
 methadone treatment; 9 CSR 30-3.132; 11/15/01, 3/15/02
 opioid treatment; 9 CSR 30-3.132; 4/15/02
 outpatient treatment; 9 CSR 30-3.130; 11/15/01, 3/15/02
 prevention programs; 9 CSR 30-3.300; 11/15/01, 3/15/02
 residential treatment; 9 CSR 30-3.140; 11/15/01, 3/15/02
 SATOP program structure; 9 CSR 30-3.206; 4/15/02
certification
 centers; 9 CSR 30-4.031; 2/1/02
 procedures; 9 CSR 45-5.060; 3/1/02
client records; 9 CSR 30-4.035; 2/1/02
complaints of abuse, neglect; 9 CSR 1-5.200; 4/15/02
definitions; 9 CSR 30-4.030; 2/1/02
personnel; 9 CSR 30-4.034; 2/1/02
protest and appeals procedures; 9 CSR 25-2.505; 1/16/02
psychiatric and substance abuse programs
 rights, responsibilities, grievances; 9 CSR 10-7.020; 1/16/02
 service delivery process; 9 CSR 10-7.030; 1/16/02
rehabilitation, intensive; 9 CSR 30-4.045; 2/1/02
service provision; 9 CSR 30-4.039; 2/1/02
treatment; 9 CSR 30-4.043; 2/1/02

MILK BOARD, STATE

fees, inspection; 2 CSR 80-5.010; 3/1/02

MOTORCYCLE SAFETY EDUCATION PROGRAM

definitions; 11 CSR 60-1.010; 12/17/01
quality assurance visits; 11 CSR 60-1.100; 12/17/01
student admission; 11 CSR 60-1.040; 12/17/01
training courses, approved; 11 CSR 60-1.060; 12/17/01
verification, course completion; 11 CSR 60-1.050; 12/17/01

MOTOR VEHICLE

air, vacuum brake systems; 11 CSR 50-2.170; 12/3/01, 3/15/02
brake performance; 11 CSR 50-2.150; 12/3/01, 3/15/02
glazing, glass; 11 CSR 50-2.270; 9/17/01, 1/2/02
inspection station requirements; 11 CSR 50-2.020; 9/17/01,
 1/2/02
MVI-2 form; 11 CSR 50-2.120; 9/17/01, 1/2/02
nonresident disabled person windshield placard; 12 CSR 10-
 23.275; 11/1/01, 2/15/02
school bus
 inspection; 11 CSR 50-2.320; 12/3/01, 3/15/02
 special education buses; 11 CSR 50-2.321; 12/3/01, 3/15/02
tires; 11 CSR 50-2.240; 12/3/01, 3/15/02
window tinting; 11 CSR 30-7.010; 9/17/01, 1/2/02, 4/1/02

NEWBORN HEARING SCREENING PROGRAM

definitions; 19 CSR 40-9.010; 9/4/01, 12/17/01
information reported to department; 19 CSR 40-9.040; 9/4/01,
 12/17/01
methodologies; 19 CSR 40-9.020; 9/4/01, 12/17/01

NURSING HOME ADMINISTRATORS

examination; 13 CSR 73-2.070; 1/2/02
fees; 13 CSR 73-2.015; 1/2/02

NURSING HOME PROGRAM

pediatric care; 13 CSR 70-10.050; 12/17/01, 4/15/02
reimbursement; 13 CSR 70-10.015; 9/17/01, 1/2/02

OCCUPATIONAL THERAPY, MISSOURI BOARD OF

application
assistant therapist; 4 CSR 205-3.020; 1/2/02
therapist; 4 CSR 205-3.010; 1/2/02
release of public records; 4 CSR 205-1.030; 1/2/02

OPTOMETRY, DIVISION OF

fees; 4 CSR 210-2.070; 1/16/02
license renewal; 4 CSR 210-2.030; 1/16/02

PARENTAL RIGHTS

fees in termination cases; 13 CSR 40-30.020; 3/1/02

PETROLEUM STORAGE TANK INSURANCE FUND

aboveground storage tanks; 10 CSR 100-4.020; 12/17/01, 4/1/02
assessment of transport fee; 10 CSR 100-3.010; 12/17/01, 4/1/02
claims for cleanup costs; 10 CSR 100-5.010; 12/17/01, 4/1/02
underground storage tanks; 10 CSR 100-4.010; 12/17/01, 4/1/02

PHARMACY, STATE BOARD OF

permits; 4 CSR 220-2.020; 1/2/01
prescriptions
electronic transmission; 4 CSR 220-2.085; 12/17/01
standards of operation; 4 CSR 220-2.010; 9/4/01, 1/2/02
Class J, shared services; 4 CSR 220-2.650; 1/2/02

PODIATRIC MEDICINE, STATE BOARD OF

public records; 4 CSR 230-2.045; 12/3/01, 3/15/02

POLICE COMMISSIONERS, ST. LOUIS BOARD OF

administration, command; 17 CSR 20-2.015; 10/15/01, 3/15/02
authority; 17 CSR 20-2.065; 10/15/01, 3/15/02
complaint/disciplinary procedures; 17 CSR 20-2.125; 10/15/01, 3/15/02
definitions; 17 CSR 20-2.025; 10/15/01, 3/15/02
drug testing; 17 CSR 20-2.135; 10/15/01, 3/15/02
duties; 17 CSR 20-2.075; 10/15/01, 3/15/02
equipment; 17 CSR 20-2.095; 10/15/01, 3/15/02
field inspection; 17 CSR 20-2.115; 10/15/01, 3/15/02
licensing; 17 CSR 20-2.035; 10/15/01, 3/15/02
personnel records, fees; 17 CSR 20-2.045; 10/15/01, 3/15/02
training; 17 CSR 20-2.055; 10/15/01, 3/15/02
uniforms; 17 CSR 20-2.085; 10/15/01, 3/15/02
weapons; 17 CSR 20-2.105; 10/15/01, 3/15/02

PRESCRIPTION DRUGS, SENIOR RX PROGRAM

agent, authorized; 19 CSR 90-1.060; 2/15/02
appeal process; 19 CSR 90-1.090; 2/15/02
claimant's responsibilities; 19 CSR 90-1.040; 2/15/02
definitions; 19 CSR 90-1.010; 2/15/02
eligibility, application process; 19 CSR 90-1.020; 2/15/02
identification card; 19 CSR 90-1.070; 2/15/02
payment provisions; 19 CSR 90-1.030; 2/15/02
pharmacies, participating
appeal process; 19 CSR 90-2.050; 2/15/02
definitions; 19 CSR 90-2.010; 2/15/02
eligibility, application process; 19 CSR 90-2.020; 2/15/02
responsibilities; 19 CSR 90-2.030; 2/15/02
termination, suspension; 19 CSR 90-2.040; 2/15/02
rebate program, manufacturers; 19 CSR 90-3.010; 3/1/02
reenrollment; 19 CSR 90-1.050; 2/15/02
termination; 19 CSR 90-1.080; 2/15/02

PUBLIC DEFENDER COMMISSION

definitions; 18 CSR 10-2.010; 3/15/02
indigency guidelines; 18 CSR 10-3.010; 3/15/02
organization; 18 CSR 10-1.010; 3/15/02

PUBLIC SERVICE COMMISSION

cold weather rule; 4 CSR 240-13.055; 12/3/01
disposition of contested cases; 4 CSR 240-2.117; 1/16/02, 3/1/02
electric service territorial agreements
fees; 4 CSR 240-21.010; 7/2/01, 12/3/01
electronic filing; 4 CSR 240-2.045; 1/16/02, 4/1/02
evidence; 4 CSR 240-2.130; 10/15/01, 3/15/02
intervention; 4 CSR 240-2.075; 1/16/02, 3/1/02
modular units
approval, manufacturing program; 4 CSR; 240-123.040; 7/16/01, 12/17/01
code; 4 CSR; 240-123.080; 7/16/01, 12/17/01
dealer setup responsibilities; 4 CSR 240-123.065; 7/16/01, 12/17/01
definitions; 4 CSR 240-123.010; 7/16/01, 12/17/01
monthly reports; 4 CSR 240-123.070; 7/16/01, 12/17/01
seals; 4 CSR 240-123.030; 7/16/01, 12/17/01
new manufactured homes
code; 4 CSR 240-120.100; 6/1/01, 11/1/01
dealer setup responsibilities; 4 CSR 240-120.065; 7/16/01, 12/17/01
definitions; 4 CSR 240-120.011; 7/16/01, 12/17/01
monthly reports; 4 CSR 240-120.130; 7/2/01
pleadings, filing, service; 4 CSR 240-2.080; 10/15/01, 3/15/02
pre-owned manufactured homes
dealer setup responsibilities; 4 CSR 240-121.055; 7/16/01, 12/17/01
recreational vehicles
administration, enforcement; 4 CSR 240-122.020; 7/16/01, 12/17/01
approval, manufacturing program; 4 CSR; 240-122.040; 7/16/01, 12/17/01
code; 4 CSR; 240-122.080; 7/16/01, 12/17/01
complaints; 4 CSR 240-122.090; 7/16/01, 12/17/01
definitions; 4 CSR 240-122.010; 7/16/01, 12/17/01
inspection
dealers, books; 4 CSR 240-122.060; 7/16/01, 12/17/01
manufacturer, books; 4 CSR 240-122.050; 7/16/01, 12/17/01
vehicles; 4 CSR 240-122.070; 7/16/01, 12/17/01
seals; 4 CSR; 240-122.030; 7/16/01, 12/17/01
stipulations agreements; 4 CSR 240-2.115; 1/16/02, 3/1/02
telephone corporations, reporting
definitions; 4 CSR 240-35.010; 9/4/01, 2/1/02
provisions; 4 CSR 240-35.020; 9/4/01, 2/1/02
reporting of bypass, customer specific arrangements; 4 CSR 240-35.030; 9/4/01, 2/1/02
tie-down systems, manufactured homes
anchoring standards; 4 CSR 240-124.045; 7/16/01, 12/17/01
approval; 4 CSR 240-124.040; 7/16/01, 12/17/01
definitions; 4 CSR 240-124.010; 7/16/01, 12/17/01
utilities
income; 4 CSR 240-10.020; 9/4/01, 2/1/02
water service territorial agreements
fees; 4 CSR 240-51.010; 7/2/01, 12/3/01

REAL ESTATE COMMISSION

application, license fees; 4 CSR 250-5.020; 11/1/01, 2/15/02

RECORDS MANAGEMENT

grants, local records; 15 CSR 30-45.030; 3/1/02

RESPIRATORY CARE, MISSOURI BOARD FOR

application; 4 CSR 255-2.010; 12/17/01
educational permit; 4 CSR 255-2.030; 12/17/01
temporary permit; 4 CSR 255-2.020; 12/17/01

RETIREMENT SYSTEMS

county employees' retirement fund
direct rollover option; 16 CSR 50-2.130; 8/15/01, 12/3/01
service and compensation; 16 CSR 50-2.050; 9/17/01, 1/16/02
local government employees
hearings and proceedings; 16 CSR 20-3.010; 12/3/01, 4/1/02
lump-sum cash payout; 16 CSR 20-2.056; 12/3/01, 4/1/02
reemployment in LAGERS; 16 CSR 20-2.083; 12/3/01, 4/1/02
nonteacher school employee
membership service credit; 16 CSR 10-6.040; 3/15/02
reinstatement, credit purchases; 16 CSR 10-6.045; 9/17/01, 1/16/02
public school retirement system
cost-of-living adjustments; 16 CSR 10-5.055; 9/17/01, 1/16/02
excess benefit arrangement; 16 CSR 10-5.070; 9/17/01, 1/16/02
reinstatement, credit purchases; 16 CSR 10-4.014; 3/15/02
payment; 16 CSR 10-4.012; 9/17/01, 1/16/02
stipulations, agreements; 4 CSR 240-2.115; 1/16/02

SANITATION AND SAFETY STANDARDS

lodging establishments; 19 CSR 20-3.050; 8/1/01, 1/2/02, 4/1/02

SECURITIES, DIVISION OF

affidavit, individual; 15 CSR 30-50.180; 1/16/02
agricultural cooperative association; 15 CSR 30-54.190; 12/3/01
answers and supplementary pleadings; 15 CSR 30-55.030; 12/3/01, 4/1/02
application
agent; 15 CSR 30-50.120; 1/16/02
qualification; 15 CSR 30-50.150; 1/16/02
registration; 15 CSR 30-51.020; 1/16/02
sellers of agricultural cooperative; 15 CSR 30-50.220; 1/16/02
briefs; 15 CSR 30-55.110; 12/3/01, 4/1/02
claim for exemption of cooperative association; 15 CSR 30-50.210; 1/16/02
definitions; 15 CSR 30-50.010; 1/16/02
discovery; 15 CSR 30-55.080; 12/3/01, 4/1/02
examination; 15 CSR 30-51.030; 1/16/02
exclusions from definitions; 15 CSR 30-51.180; 2/1/02
fees; 15 CSR 30-50.030; 1/16/02
financial condition; 15 CSR 30-50.170; 1/16/02
forms; 15 CSR 30-50.040; 1/16/02
general; 15 CSR 30-51.010; 1/16/02
instituting hearing before commissioner; 15 CSR 30-55.020; 12/3/01, 4/1/02
instructions; 15 CSR 30-50.020; 1/16/02
investment company report of sales; 15 CSR 30-50.160; 1/16/02
motions, suggestions, legal briefs; 15 CSR 30-55.110; 12/3/01, 4/1/02
notice of hearing; 15 CSR 30-55.040; 12/3/01, 4/1/02
officers; 15 CSR 30-55.220; 12/3/01, 4/1/02
prehearing
conferences; 15 CSR 30-55.050; 12/3/01, 4/1/02
procedures; 15 CSR 30-55.025; 12/3/01, 4/1/02
procedure and evidence; 15 CSR 30-55.090; 12/3/01, 4/1/02
registration by notification; 15 CSR 30-50.130; 1/16/02
record of hearing; 15 CSR 30-55.070; 12/3/01, 4/1/02
requirements; 15 CSR 30-51.160; 1/16/02
trading exemptions; 15 CSR 30-54.290; 2/1/02
who may request; 15 CSR 30-55.010; 12/3/01, 4/1/02

SENIOR SERVICES, DIVISION OF

in-home service standards; 19 CSR 15-7.021; 10/15/01, 3/15/02

SOIL AND WATER DISTRICTS COMMISSION

organization; 10 CSR 70-1.010; 2/1/02
annual rate of interest; 12 CSR 10-41.010; 12/3/01, 3/15/02

TAX

power of attorney; 12 CSR 10-41.030; 2/15/02

TAX, INCOME

net operating losses; 12 CSR 10-2.165; 2/15/02

TAX, SALES/USE

electrical energy; 12 CSR 10-110.600; 9/4/01, 1/2/02
exempt organizations; 12 CSR 10-110.955; 9/4/01, 1/16/02
local sales/use tax applicable; 12 CSR 10-117.100; 2/15/02
printers, commercial; 12 CSR 10-111.100; 11/15/01, 3/15/02
sales subject to sales/use tax; 12 CSR 10-113.200; 2/15/02

TAX, STATE COMMISSION

agricultural land productive value; 12 CSR 30-4.010; 2/1/02

TOBACCO

retailer employee training; 11 CSR 70-3.010; 11/1/01, 2/15/02
sting operations; 11 CSR 70-3.020; 11/1/01, 2/15/02

TOURIST ORIENTED DIRECTIONAL SIGNS

activities, eligibility; 7 CSR 10-22.040; 11/15/01, 3/15/02
definitions; 7 CSR 10-22.020; 11/15/01, 3/15/02

TREASURER, OFFICE OF THE

interest rate, linked deposit, loan categories; 15 CSR 50-2.050; 12/17/01, 4/1/02

TUBERCULOSIS TESTING

fees, laboratory; 19 CSR 25-38.020; 3/1/02

WEIGHTS AND MEASURES

inspection procedures; 2 CSR 90-23.010; 3/15/02
installation requirements; 2 CSR 90-10.013; 1/2/02
manufactured homes; 2 CSR 90-10.017; 1/2/02
National Fuel Gas Code; 2 CSR 90-10.020; 1/2/02
packaging and labeling; 2 CSR 90-22.140; 3/15/02
price verification; 2 CSR 90-25.010; 3/15/02
registration, training; 2 CSR 90-10.012; 1/2/02
sale of commodities; 2 CSR 90-20.040; 3/15/02
storage and handling; 2 CSR 90-10.040; 1/2/02

WORKERS' COMPENSATION

tort victims; 8 CSR 50-8.010; 2/15/02
review of decisions; 8 CSR 20-8.010; 3/1/02

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